

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8532 of 2018

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Rajveer Singh, son of Kailash Singh, Resident of Subhash Nagar, Bharatpur,
P.S. Atalband, District- Bharatpur (Rajasthan).

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Dept., Government of Bihar, Patna.
2. The Superintendent of Police, District Vaishali.
3. The Incharge of Police Station Vaishali Sadar, Vaishali at Hajipur.
4. Economic Offence Department Patna, Bihar. .

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar
For the Respondent/s : Mr. Vikash Kumar- Sc11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 17-12-2018 Heard learned counsel for the petitioner, learned counsel
for the State and learned Senior Counsel for the Economic Offence
Unit assisted by learned Advocate on record.

It is submitted by learned counsel for the petitioner that
father's name of the petitioner has been incorrectly recorded in the
first information report as Kailash Singh and the same has also been
mentioned in the writ petition. In fact petitioner's father name is
Prahalad Singh as per the Aadhar copy, which he seeks to modify but
considering the nature of the order, we propose to pass hereinafter,
the petitioner will be well advised for moving the appropriate forum
for correction of the parentage name recorded in the FIR.

This application has been preferred seeking a provisional
release of the vehicle (Truck) bearing Registration No. RJ-14 GC



9134 seized in connection with Hajipur Town P.S. Case No. 804 of 2017 dated 17.11.2017.

Learned counsel for the petitioner informs this Court that a confiscation proceeding has been initiated but the present stage of confiscation proceeding is not known even to the learned counsel representing the State. Learned Senior Counsel representing the Economic Offences Unit with reference to the statement made in the counter affidavit filed on behalf of the Economic Offence Unit, submits that in the present case huge quantity of illicit liquor has been seized which is a serious offence in the State of Bihar under the provisions of the Bihar Prohibition and Excise Act, 2016. Learned Senior Counsel submits that considering the huge quantity of illicit liquor recovered from the vehicle in question it would not be just and proper for this Court to exercise its discretion under Article 226 of the Constitution of India to provisional release of the vehicle. Learned Senior Counsel further submits that the writ application may, for the present, be disposed of with a direction to the District Magistrate, Vaishali at Hajipur to conclude the confiscation proceeding within a reasonable time.

Having heard the parties and on perusal of records, we find that in the present case the vehicle is registered in the State of Rajasthan and a huge quantity of illicit liquor said to be 4824 liters has been recovered from the vehicle in question. Even though we are directing provisional release of the vehicle in some of the cases but



while doing so we take into consideration the quantity of the liquor and the nature of the vehicle involved in the alleged offence.

In the present case, we are not persuaded to allow provisional release of the vehicle considering that the vehicle is from outside the State of Bihar and it was allegedly carrying 4824 liters of illicit liquor. We find that the confiscation proceeding is pending and at this stage we direct the District Magistrate, Vaishali at Hajipur to conclude the confiscation proceeding and pass an appropriate order after hearing all the parties concerned within a period of 90 days from the date of receipt/production of a copy of this order.

If the confiscation proceeding is not concluded within the aforesaid period the petitioner will be at liberty to seek his remedy in accordance with law.

This writ application stands disposed of.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

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