

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8962 of 2018

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Rajeev Ranjan, Son of Rameshwar Prasad, Resident of Ujjain Tola, P.O. & P.S. Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Registration, Excise & Prohibition Government of Bihar, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Superintendent of Police, West Champaran, Bettiah.
4. The Station House Officer, Jagdishpur Police Station (Camp Kathaiya Bishunpur), West Champaran.
5. The Superintendent of Excise, District- West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 19-06-2018

Petitioner is the owner of the tanker in question bearing Regn. No.BR-22G-7898 and the said tanker was carrying 20,000 litres of Ethanol which was being transported after following the due process of law from Harinagar Sugar Mills, West Champaran to Indian Oil Corporation, Kathaiya Vishunpura. However, the



driver of the tanker in question one Shri Yugal Kishore Singh in connivance with the Khalasi namely Manoj Yadav and another person Akshay Lal Yadav plotted a scheme for taking out certain quantity of Ethanol from the tanker and selling it in an illegal manner. The design could not succeed as on receiving the information the police authorities under the command of S.H.O., Jagdishpur conducted a raid and registered Nautann P.S. Case No.177 of 2018 under various provisions of the Bihar Prohibition Act against the said three persons, namely Shri Manoj Yadav, Shri Akshay Lal Yadav and Shri Yugal Kishore Singh. The proceedings against these persons are going on and thereafter from the counter affidavit of the respondents it is seen that the police authorities investigated the matter and found that the tanker was on authorized transportation duty carrying Ethanol after due authority and permission from the competent authority. Finding the aforesaid, the Superintendent of Police, Bettiah, West Champaran vide his Memo. No.122, Legal Cell dated 12.6.2018 had instructed the S.H.O., Jagdishpur to release the aforesaid tanker along with the loaded Ethanol and submit a report.

From the counter affidavit filed by Respondent No. 5 it is seen that against the driver of the tanker and purchaser of the



vehicle criminal case has been proceeded and the police authorities are free to proceed in the matter.

As far as the release of the tanker in question now in view of the report and communication made by the Superintendent of Police, Bettiah, West Champaran is concerned, the tanker is to be released to the owner and Ethanol carried to its destination for further proceeding in the matter. However, learned Counsel for the petitioner submits that during the period the tanker was under seizure with the police authorities, the fitness certificate of the tanker has expired. Now the Transport Authorities have to issue necessary fitness certificate for which the petitioner is required to install speed governor equipment in the tanker on the spot and thereafter the Transport Authorities are to issue necessary fitness certificate and then only the tanker and the goods can be carried to the destination.

In view of the above, learned Counsel for the petitioner submits that under the orders of this Court the petitioner be now permitted to get the speed governor equipment installed at the place where the tanker is stationed and thereafter the Transport Authorities be instructed to inspect the tanker and issue fitness certificate.



In the facts and circumstances of the case and the facts that have come on record, we see no reason to deny the aforesaid prayer of the petitioner. Accordingly, we direct that the tanker in question be released to the petitioner on his furnishing two surety bonds to the satisfaction of District Magistrate-cum-Collector, Bettiah and further undertaking to produce the vehicle as and when directed by the authority concerned and not to alienate or deal with the vehicle in question during the pendency of the confiscation/excise proceedings and/or criminal case so as to create third party rights or prejudice the rights of the State in the pending proceedings, and the petitioner be permitted to take it to its destination in accordance to the directions already issued by the Superintendent of Police, Bettiah, West Champaran, as indicated hereinabove, and before doing that, the petitioner be permitted to install the necessary speed governor equipment, get the tanker inspected by the Transport Authorities and on issuance of fitness certificate action be taken for transporting the Ethanol to the destination. The entire exercise with regard to the aforesaid be completed within eight days from the date of receipt/production of a copy of this order.

The vehicle in question be released within one week from the date of furnishing the surety bonds.



With the aforesaid, the petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29-06-2018
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