

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5833 of 2018

=====

Ravi Pratap Singh @ Ravi Singh, son of Anil Singh, R/o Village-Sewtapur, P.S.-
Mairwa, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Government of Bihar, Patna.
2. The Principal Secretary, Excise, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The Excise Superintendent, Department of Excise, Siwan.
6. The S.H.O. of Mairwa P.S., District-Siwan.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Respondent/s : Mr. KUMAR MANISH- SC5

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 04-04-2018

Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Mairwa P.S. Case No.506 of 2017, vehicle of the petitioner (TVS Apache RTR 200 bearing Reg. No. BR29Z-0791) be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate, Siwan. In case respondents want to take action for confiscation, they are cautioned to take note of Section 56 of the Act and shall initiate proceedings only if the confiscation proceedings can be initiated in a case like this driven the vehicle in a drunken condition. In case confiscation proceedings are initiated and finally it



is found that the confiscation could not be initiated being contrary to Section 56, the petitioner shall have liberty to seek compensation to be paid by the officer concerned personally who takes action in the matter.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.04.2018
Transmission Date	

