

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5537 of 2018

Md. Taslim Mia, Son of Momtaj Mia, Resident of Village- Balapur, P.S.-
Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Bihar Prohibition and Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The S.H.O. of Siwan Town Police Station, Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-04-2018 Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Siwan Town P.S. Case No.93 of 2018), vehicle of the petitioner (Tempo bearing Registration No. BR 28 P 0636) 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 Bihar Prohibition and Excise Act, 2016 and shall initiate proceedings only if the confiscation proceedings can be initiated in a case like this where there is no seizure of liquor and the vehicle is not used for transportation of liquor and only the



driver is found to have 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 of the Act, 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)

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