

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5762 of 2018

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Pashupati Rai, Son of Rajeshwar Rai, Resident of Village- Kaji Tola Doriganj,
Police Station- Doriganj, District- Saran at Chapra. at present Ward No.8,
Balwan Tola, Police Station- Doriganj, District- Saran at Chapara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Siwan.
4. The Superintendent of Police, Siwan.
5. The Officer-in-Charge (S.H.O.), Siswan Police Station, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr. Anil Kr.Sinha-GA1

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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 (Siswan
P.S.Case No.52 of 2018), vehicle of the petitioner (Truck)
bearing Registration No. UP 64T-4329 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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