

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6962 of 2018

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Prashant Kumar, son of Bijendra Kumar, resident of village + P.O. – Bhatwa
Tiwari, P.S. – Khampar Bhatparrani, District – Deoria (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan
4. The Officer Incharge, Mairwa Police Station, District – Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

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 JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 13-04-2018

Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Mairwa P.S. Case No. 328/2017), vehicle of the petitioner (Hero Super Splendor Motorcycle bearing Registration No. UP52AH-7394), 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 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, 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	NAFR
CAV DATE	NA
Uploading Date	18.04.2018
Transmission Date	NA

