

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7539 of 2018

=====

Md. Abbas, Son of Late Abdul Hamid, Residence of Village+Post Office-
Haradiya, Police Station- Barhariya, District- Siwan.

.... Petitioner/s

Versus

1. The Principal Secretary, Department of Excise, Government of Bihar,
Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Station Head Officer Police Station- Siwan (Muffasil), District-
Siwan.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav, Advocate
For the Respondent/s : Mr. Kumar Manish- SC5

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 23-04-2018 Having heard learned counsel for the parties, we

direct that pending finalization of the criminal case (Siwan
(Muffasil) P.S. Case No.32 of 2018), vehicle of the petitioner
(Wagan R SALOON Car bearing Registration No.BR – 1AC –
9807) 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)

N.H./-

U			
---	--	--	--

