

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6978 of 2018

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Ajay Yadav, Son of Sakaldeep Yadav, Resident of Village-Dharhara, P.S. Dharahara, District-Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Government of Bihar, Patna.
2. The District Magistrate, Lakhisarai. District Lakhisarai.
3. The Superintendent of Police, Lakhisarai, District Lakhisarai.
4. The Officer in Charge of Piri Bazar, Police Station, District-Lakhisarai,
5. The Excise Superintendent, Lakhisarai, District Lakhisarai.

.... Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-04-2018 Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Piri Bazar P.S. Case No.46 of 2017), vehicle of the petitioner (Tempo bearing Registration No.BR 53A 9812) be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate, Lakhisarai. 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)

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