

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8070 of 2018

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Rajesh Kumar, Son of Late Ramesh Sah, Resident of Gupta Market Raja Bazar, P.S. Sashtri Nagar, District- Patna, presently Residing at Basant Vihar Colony, Khajpura, B.V. College, P.S. Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary Department of Excise, Government of Bihar, Patna.
3. The Collector- cum-District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Officer In-charge, Hawai Adda Police Station, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Singh, Advocate
For the Respondent/s : Mr. Kumar Manish -SC 5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 30-04-2018 Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Hawai Adda P.S. Case No.81 of 2018), vehicle of the petitioner (Pick-up Van/Delivery Van bearing Regn. No.BR-01GE-5244) be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of District Magistrate-cum-Collector, Patna.

In case the 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.

The vehicle in question be released within one week from the date of furnishing the sureties.

With the aforesaid, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Sanjay Kumar, J)

K.C.Jha/-

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