

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8807 of 2018**

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Tej Narayan @ Tej Narayan Tiwari, S/o Nageshwar Tiwari, R/o Ward No. 12, Sugahi - Pipra Mohan, P.S. - Salempur, Dist. Deoria (U.P.).

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Patna, Bihar.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Officer-in-Charge, Guthani Police Station, Siwan.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Respondent/s : Mr. Kumar Manish -SC5

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL ORDER

**(Per: HONOURABLE THE CHIEF JUSTICE)**

2      16-05-2018      Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Guthani P.S. Case No. 246/2017), vehicle of the petitioner (TVS Apache Motorcycle bearing Registration No. UP-52AU-6908) 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/-

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