

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9926 of 2018

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Anil Kumar, son of Durganand Yadav, resident of village Damaka Yadav Tola,
Gulabbagh Hasda, P.S. – Sadar District – Purnia.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, the Excise Department Government of Bihar, Patna.
2. The Collector, Araria
3. The Superintendent of Police, Araria
4. The Deputy Superintendent of Police, Forbesganj, Araria
5. The Dinanath Prasad S.I. Araria Police Station, District – Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam

For the Respondent/s : Mr. Anil Kumar 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: 17-05-2018

Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Excise Special Case No. 511/2018 arising out of Araria P.S. Case No. 241/2018), vehicle of the petitioner (Maruti Wagon-R bearing Registration No. BR11W-8460) be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate, Araria. 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/-

(Rajeev Ranjan Prasad, J)

AFR/NAFR	
CAV DATE	
Uploading Date	21.05.2018
Transmission Date	

