

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10727 of 2018

Md. Shahid Ansari, son of Abdul Rab, Resident of Village- Taraura Gopalpur,
Post Office- Pahladpur, Police Station- Musahri, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Prohibition & Registration Department, Government of Bihar, Patna.
2. The Collector-cum- District Magistrate, Patna.
3. The Superintendent of Excise, Patna.
4. The Senior Superintendent of Police, Patna, District- Patna.
5. The Officer-In- Charge of Bikram Police Station, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

For the Respondent/s : Mr. Vikash Kumar- Sc11

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 20-06-2018 Learned Counsel for the petitioner is permitted to
make necessary correction in the application.

This writ petition has been filed for release of a
vehicle (Truck (open body)) bearing Registration No. 06GC
2992, which has been seized in connection with Bikram P.S.
Case No. 128 of 2018 due to violation of the provisions of the
Excise Act.

Having heard learned counsel for the parties, we
direct that pending finalization of the criminal case (Bikram P.S.
Case No.128 of 2018), vehicle of the petitioner (Truck (open
body)) bearing Registration No. 06GC 2992 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)

(Rajeev Ranjan Prasad, J)

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