

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13071 of 2018

Hira Mati Devi, Wife of Surendra Singh, resident of village- Ghasa, Near
Ghasa Temple, Police Station- Kochas, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Confiscation Officer, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The Station House Officer, Dinara (Bhanas O.P.) Police Station, District- Rohtas at Sasaram.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad- GP-7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-07-2018 Having heard learned counsel for the parties, we direct that pending finalization of the criminal case bearing P.S. Case No.331 of 2017, vehicle of the petitioner bearing Registration No. (BR-02W-3127) be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate, Rohtas at Sasaram within one week from the date of furnishing the sureties.

The valuation of the vehicle in question shall be done as per the valuation shown in the insurance document.

In case, respondents want to take action for confiscation, they are cautioned to take note of Section 56 of the



Bihar Prohibition and Excise Act, 2016 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 of the Act, 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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