

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1205 of 2018

1. Mantu Yadav, Son of Ramprit Rai
2. Ramprit Rai, Son of Narayan Rai
Both are residents of Village - Mekra Police Station - Mokama,
District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Principal Secretary, Department of Excise, Government of Bihar, Patna.
4. The District Magistrate, Nawada.
5. The Superintendent of Police, Nawada.
6. The Station House Officer, Kauakol Police Station Kauakol, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate
For the Respondent/s : Mr. A.K. Sinha- G A 1

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-01-2018

Seeking release of a vehicle (Mahindra Bolero Pick Up Van)
bearing registration No. BHR1BH-8081, Engine No.GHG1K
52502, Chassis No.MA1ZN2GHKG1K 78892, this writ petition
has been filed under Article 226 of the Constitution of India.

Police Station Kauakol has registered Kauakol P.S. Case
No.41 of 2017 against petitioner no.1, who is the driver of the
vehicle in question, for offences under Section 30(a) of the Bihar
Excise and Prohibition Act, 2016 and confiscation proceedings
No.370(M) of 2017 have been initiated. The vehicle was seized



and in accordance to the stipulation contained in the FIR, Annexure-1, the vehicle had come from Jharkhand carrying 1200 litres of liquor which had come to Bihar for consumption. Petitioner No.2 claims that he is the owner of the vehicle and without his knowledge, petitioner no.1 was transporting the liquor in question.

Even though, this Court had been directing for release of vehicle on condition of submission of bank guarantee in various cases, but in the peculiar facts and circumstances of this case, we find that the allegation of transportation of liquor from Jharkhand and it had come to the State of Bihar for consumption and it is not a case of transportation of the liquor to some other State and passing through the State of Bihar, we are not inclined to interfere into the matter looking to the quantity of liquor that was being transported; that the vehicle had come from Jharkhand and the liquor was brought to Bihar for its consumption which is totally prohibited in view of the statutory provision.

Accordingly, it is a case where we do not deem it appropriate to exercise our discretionary jurisdiction and direct for release of the vehicle in stead the petitioners should face the confiscation proceedings, make all submissions before the confiscating authority and it would be for the confiscating authority to take a



decision in accordance to law and thereafter, in case any grievance still subsisting, the petitioners to challenge the same in accordance with law. We direct the confiscating authority to proceed in the matter and decide the confiscation proceeding expeditiously, preferably within a period of three months from the date of receipt of a certified copy of the order, and till the confiscation proceedings are not decided, the vehicle in question shall not be auctioned or dealt with adverse to the right of the petitioners.

With the aforesaid, the writ petition stands disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.01.2018
Transmission Date	

