

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6833 of 2018

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Rakesh Kumar, Son of Vasudev Mahto @ Basu Deo Mehta, Resident of
Village- Naya Gawan Mussallahpur Patna @ Naya Gaon Mahavir Lane
Mushallpur Sampatchak Mahendru, Patna, P.S. Pirbahore, District- Patna
... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
 2. The Collector/ District Magistrate, Sitamarhi.
 3. The Superintendent of Police, Sitamarhi.
 4. The Excise Superintendent, Sitamarhi.
 5. The Excise Inspector, Sitamarhi.
 6. The Officer-in- Charge, Pupri P.S., Sitamarhi ... Respondents
- =====

Appearance :

For the Petitioner : Mr. Alok Kumar Alok, Adv.
For the Respondents : Mr. Kumar Manish, SC V

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

- 2 11-04-2018 Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Pupri P.S. Case No. 105 of 2018), vehicle of the petitioner (Mahendra Bolero Pick-Up Van) bearing registration no. BR-01GE-7558 be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate, Sitamarhi. 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 proceeding 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 off**.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Shamshad/-

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