

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8716 of 2018

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Gurbinder Singh @ Gurwinder Singh Son of Amrik Singh Resident of Village
- Bahmniwala, P.S. - Patti in the District - Tarn Taran (Amritsar), Punjab.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Collector, Saran at Chapra.
4. The Sub Divisional Officer, Saran at Chapra.
5. The Senior Superintendent of Police, Saran at Chapra.
6. The Station House Officer, Manjhi Police Station, Saran.
7. The Excise Superintendent, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hareram Singh
For the Respondent/s : Mr. Kumar Manish- Sc5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

4 17-12-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

This application has been preferred seeking a provisional
release of the vehicle bearing Registration No. PB46M-4968 seized
in connection with Manjhi P .S. Case No. 131 of 2017 dated
04.07.2017.

Learned counsel for the petitioner informs this Court that
a confiscation proceeding has been initiated but the present stage of
confiscation proceeding is not known even to the learned counsel
representing the State.



Learned counsel for the State submits that in the present case huge quantity of illicit liquor has been seized which is a serious offence in the State of Bihar under the provisions of the Bihar Prohibition and Excise Act, 2016. Learned Counsel submits that considering the huge quantity of illicit liquor recovered from the vehicle in question it would not be just and proper for this Court to exercise its discretion under Article 226 of the Constitution of India to provisional release of the vehicle. Learned counsel further submits that the writ application may, for the present, be disposed of with a direction to the District Magistrate, Saran at Chapra to conclude the confiscation proceeding within a reasonable time.

Having heard the parties and on perusal of records, we find that in the present case the vehicle is registered in the State of Punjab and a huge quantity of illicit liquor said to be 3237 liters has been recovered from the vehicle in question. Even though we are directing provisional release of the vehicle in some of the cases but while doing so we take into consideration the quantity of the liquor and the nature of the vehicle involved in the alleged offence.

In the present case, we are not persuaded to allow provisional release of the vehicle considering that the vehicle is from outside the State of Bihar and it was allegedly carrying 3237 liters of illicit liquor. We find that the confiscation proceeding is pending and at this stage we direct the District Magistrate, Saran at Chapra to conclude the confiscation proceeding and pass an appropriate order



after hearing all the parties concerned within a period of 90 days from the date of receipt/production of a copy of this order.

If the confiscation proceeding is not concluded within the aforesaid period the petitioner will be at liberty to seek his remedy in accordance with law.

This writ application stands disposed of.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

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