

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5551 of 2018

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Jaipal Prasad, Son of Late Ram Ishwar Mahto, Resident of Mohalla- Ranipur
Khirki Kali Asthan, P.S.- Mehandiganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Officer-in-Charge, Gopalpur, P.S.- Gopalpur, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Pandey

For the Respondent/s : Mr. KUMAR MANISH- SC5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-03-2018

This writ petition has been filed for release of a vehicle
(Super Splendor Motorcycle) bearing Registration No. BR-01DJ-
8066, which has been seized in connection with Gopalpur P.S. Case
No. 28 of 2018 arising out of Special Case No. 1349 of 2018 due to
violation of the Bihar Prohibition and Excise Act, 2016. It is stated
that no liquor has been seized from the vehicle in question.

It is common ground that in various cases, identical in
nature, pending finalization of the criminal case, vehicles have been
directed to be released by this Court on various conditions and we see
no reason to make a deviation in the present case.

In case any confiscation proceeding is to be initiated, the



same would be initiated only after the competent authority satisfies and passes a reasoned order as to how confiscation proceeding can be initiated when the allegation is only that the driver has been found driving the vehicle in a drunken state.

Keeping in view the aforesaid, it is directed that pending finalization of the criminal case, the aforesaid vehicle in question shall be released to the petitioner on her furnishing two sureties to the satisfaction of District Magistrate, Patna within a period of one week from the date of her furnishing the sureties and further undertaking to produce the vehicle as and when directed by the authority concerned and not to alienate or deal with the vehicle in question in any manner during the pendency of the criminal case.

With the aforesaid, the writ petition stands allowed and disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
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