

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5804 of 2018

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Muneshwar Singh, son of Late Bhola Prasad, R/o Mohalla - New Chhoti Patan Devi Colony, Hajiganj, Sampatchak, PS - Chowk, Patna City, Dist - Patna - 800008.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Patna, Bihar.
3. The Senior Superintendent of Police, Patna, Bihar.
4. The Station House Officer, Bye Pass Police Station Town & District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Awadhendra Kumar, Advocate
For the Respondent/s : Mr. Anil Kr.Sinha-GA1

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-04-2018 Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Bye Pass P.S. Case No.312 of 2017), vehicle of the petitioner (Maruti Wagon R VSI BS4) bearing Registration No. BR01CJ-4718 be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate, Patna.

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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