

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5377 of 2018

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Kaushal Kisore Vishwakarma, S/o Ram Bricha Vishwakarma @ Ram Bricha, R/o Village- Pandeypur - Malkauli, P.S. Deoria, Dist.-Deoria (U.P.).

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, Siwan
3. The Superintendent of Police, Siwan.
4. The Officer in Charge-Guthani Police Station Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Respondent/s : Mr. VIKASH KUMAR- SC11

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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 (TVS Motorcycle) bearing Registration No. U.P.-52 AN-5176, which has been seized in connection with Guthani P.S. Case No. 17 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, Siwan 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
Uploading Date	31.03.2018
Transmission Date	N/A

