

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8932 of 2018

=====

1. Dipak Kumar Sah, Son of Janardan Sah, resident of Village- Andar,
Police Station- Andar, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The S.H.O. Andar (M.H. Nagar) Police Station, District- Siwan.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Respondent/s : Mr. Vivek Prasad- Gp7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 18-05-2018 Having heard learned counsel for the parties, we direct that

pending finalization of the criminal case (Andar P.S. Case No.157
of 2017), vehicle of the petitioner (Hero Splendor plus
Motorcycle) bearing Registration No.BR29X-7684) be released to
the petitioner on the petitioner furnishing two sureties to the
satisfaction of the District Magistrate, Siwan.

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 proceedings 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 of.

(Rajendra Menon, CJ)

Sanjeev/-

(Rajeev Ranjan Prasad, J)

U		T	
---	--	---	--

