

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6411 of 2018

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Ganesh Jha S/o Ram Padarath Jha Resident of Village - Kata, P.S. - Gaighat,
District – Muzaffarpur ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
 2. The Director General of Police, Bihar, Patna.
 3. The Collector cum District Magistrate, Muzaffarpur.
 4. The Superintendent of Police, Muzaffarpur.
 5. The Excise Superintendent, Muzaffarpur.
 6. The S.H.O. Mithanpura, P.S., Dist – Muzaffarpur ... Respondents
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Appearance :

For the Petitioner : Mr. Sanjay Parasmani, Adv.
For the Respondents : Mr. Vivek Prasad, GP VII

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 11-04-2018 Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Mithanpur P.S. Case No. 22 of 2018), vehicle of the petitioner (Mahindra XUV500) bearing registration no. GJ-05-RC-3999 be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate, Muzaffarpur. 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 proceeding 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 off**.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Shamshad/-

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