

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6793 of 2018

Sanjay Ram, Son of Sri Devsharan Ram, Resident of Village- Bishnupur, P.S.-
Bela, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The Collector/District Magistrate- Sitamarhi, District- Sitamarhi
3. The Excise Deputy Commissioner, Sitamarhi
4. The Superintendent of Police, Sitamarhi
5. The Superintendent of Excise, Sitamarhi
6. The S.I. of Bela Police Station, District- Sitamarhi
7. The S.H.O. of Bela Police Station, District- Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar -Sc11

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 12-04-2018 Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Bela P.S. Case No. 49 of 2018), vehicle of the petitioner (Bajaj Platina Motorcycle) bearing Registration No. BR-30Q 3185 be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of District Magistrate-cum-Collector, Sitamarhi.

In case the 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.

The vehicle in question be released within one week from the date of furnishing the sureties.

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

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

U			
---	--	--	--

