

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13495 of 2018

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Ramesh Kumar, son of Rambinay Prasad, resident of Mohalla Maripur,
Bombey Tiles Campus, P.S. Kazi Mohammadpur, district Muzaffarpur
... Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Government of Bihar,
Excise Department, Patna
2. Collector-cum-District Magistrate, Muzaffarpur
3. Senior Superintendent of Police, Muzaffarpur
4. Excise Superintendent, Muzaffarpur
5. Officer-in-Charge, Mithanpura, P.S. Muzaffarpur ... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar @ S.K., Adv.
For the Respondents : Mr. Kumar Manish, SC V

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 16-07-2018 Having heard learned counsel for the parties, we

direct that pending finalization of the criminal case (Kanti P.S.
Case No. 370 of 2018), Scorpio Jeep of the petitioner bearing
registration no. BR-06PA-8633, be released to the petitioner on
the petitioner furnishing two sureties to the satisfaction of the
District Magistrate, Muzaffarpur, within one week from the date
of furnishing the sureties.

The valuation of the vehicle in question shall be done
as per the valuation shown in the insurance document.

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 of 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 off.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Shamshad/-

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