

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9525 of 2018

=====

1. Prem Kumar @ Prem Kumar Yadav, Son of Bachhu Gope, resident of Mohalla-Birla Mandir Road, Bankipur, Police Station- Pirbahore, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The S.H.O. of Alamganj Police Station, District- Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Dwivedi

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

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-05-2018

Having heard learned counsel for the parties, we direct that pending finalization of the criminal case (Alamganj P.S. Case No. 100/2018) vehicle of the petitioner (Tata Magic Pick Up Van) bearing Registration No. BR-01GE-1531 be released to the petitioner on the petitioner furnishing two sureties to the satisfaction of the District Magistrate, Patna. 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)

(Rajeev Ranjan Prasad, J)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	21.05.2018
Transmission Date	

