

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8372 of 2018

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Suresh Kumar, Son of Bhagwan Sahay, Resident of H.No. 166 B Bans
Mohalla W.No. 11, Palwal, Police Station- Palwal, District- Palwal (Haryana).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Saran.
3. The Superintendent of Police, Saran.
4. The Officer Incharge, Baniyapur, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish- SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-07-2018

Seeking release of a vehicle (truck) bearing
registration No. HR 73-8953 which has been seized in
Baniyapur P.S. Case No. 41/2017 for offences under Sections
30, 30(a) and 38 of the Bihar Prohibition and Excise Act, this
writ petition has been filed.

The vehicle in question of the petitioner is
registered with the State of Haryana with Registration No.
HR73-8953 and the petitioner also belongs to the State of
Haryaya. The vehicle was caught transporting huge quantity of
liquor more than 4,000 litres. The Prohibition Act has been



enforced in the State of Bihar and this Court is flooded with cases seeking release of the vehicle. In large number of cases pending finalization of the confiscation proceedings and even after finalization of the confiscation proceedings vehicles have been directed to be released but those are cases where the quantity of liquor seized and the vehicle used for committing the offences were carrying less quantity of liquor. In this case, we find two peculiar facts, judicial notice of which can be taken note of. After the Prohibition Act was enforced in the State of Bihar, large quantity of liquor is being transported from the State of Haryana and vehicles registered in Haryana belonging to owners in Haryana are entering into the State of Bihar and are committing the offence. That apart, the vehicle in question was found carrying huge quantity of liquor more than 4,000 litres. That being so, we are not inclined to release the vehicle in question on normal conditions as is being done by this Court in series of cases but taking a stringent and strict view of the matter, we direct that the vehicle in question be released to the petitioner in case the petitioner deposits in cash or in a Bank by way of Bank Draft the amount equal to the cost of the vehicle to the satisfaction of District Magistrate, Saran and if that be done, the vehicle be released to the petitioner within one week,



subject, however, to the condition that in case petitioner is acquitted of the charges and the confiscation proceedings are quashed, the petitioner shall be entitled to either refund of the entire amount or such compensation as may be permissible under law.

With the aforesaid, the petition stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	10.07.2018
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