

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.3055 of 2018

Arising Out of PS. Case No.-87 Year-2018 Thana- BITHAN BAZAR District- Samastipur

Roshan Kumar Son of Ram Nandan Yadav, Resident of Village- Surha Basant
Pur, P.S.- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department, Government of Bihar, Patna a
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The Thana In Charge, Bithan, Police Station, Bithan, District- Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bhubneshwar Prasad
For the Respondent/s : Mr.Anil Kumar Sinha Ga-1

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 01-04-2019 This application under Article 226 and 227 of the Constitution of India has been filed by the petitioner for direction to the respondents to release the vehicle bearing Registration No. BR 09AA-0219, which has been seized in connection with Bithan P.S. Case No. 87 of 2018 under Sections 30(a), 30(1) and 38(F) of Bihar Prohibition And Excise Act, 2016.

At the outset, it is submitted by the learned counsel for the petitioner that since the Bihar Prohibition Act and Excise Act, 2016 prescribes that the moment the vehicle is seized for committing any offence under the Act, the same is liable to



confiscation and confiscation is a civil proceeding, he may be permitted to withdraw the present application with liberty to file a civil writ application in the same subject matter.

Leave is granted. The application is disposed of.

(Ashwani Kumar Singh, J)

pradeep/sneha

U		T	
---	--	---	--

