

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12820 of 2018

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Bhupender Singh Son of Sachha Singh @ Sucha Singh resident of
Guruharshahi Haque Union, P.S.- Guruharshahi Haque Union, P.S.-
Guruharshahi, District- Firozpur Punjab.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna
2. The District General of Police, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Inspector General of Police, Bihar, Patna.
5. The District Magistrate/ Collector, Vaishali at Hajipur.
6. The Senior Superintendent of Police, Vaishali at Hajipur.
7. That Excise Superintendent of Police, Vaishali at Hajipur.
8. The Officer-in- Charge of Sarai Police Station, District- Vaishali.
9. The Investigation Officer of Sarai, P.S. Case No. 241/17, Sarai Police Station,
District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate
For the Respondent/s : Mr.Vivek Prasad- GP-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

5 21-01-2019 Heard the parties.

The petitioner prays for provisional release of his truck
bearing Registration No.PB-31P-0521 which has been seized in
connection with Sarai P.S.Case No.241 of 2017 registered for
offence punishable under Sections, 414 and 120B of the Indian
Penal Code and Sections 30(a) and 35(a) of the Bihar Prohibition
and Excise Act, 2016.

While this matter is pending, final order has been passed
in the Confiscation Case No.89/2018-19 on 25.09.2018 placed on



record vide Annexure-A to the counter affidavit. The seizure is of 4743 liters of Indian Made Foreign liquor and paragraph-20 of the writ petition confirm that even though the petitioner had knowledge about the confiscation proceeding yet he did not choose to participate.

In such circumstances and for the present, we are not willing to exercise our discretion for provisional release of the truck seized under Bihar Prohibition and Excise Act, 2016.

The petitioner, if so advised, may file statutory appeal against the confiscation order before the appellate authority under the Act and it goes without saying that in case, such an appeal is being filed within 30 days from today, accompanied with the petition for condonation of delay, the appellate authority shall consider and dispose of the same in accordance with law and after opportunity of hearing to the petitioner without being prejudiced by the delay so caused.

This writ petition is disposed of with the above observation.

(Jyoti Saran, J)

(Nilu Agrawal, J)

B.Kr./

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