

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.355 of 2019

Arising Out of PS. Case No.-89 Year-2018 Thana- AMBA District- Aurangabad

Subodh Kumar Singh, Son of Late Alakhdeo Singh, Resident of Village-
Gangahar, P.S.- Mali, District-Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Excise, Government of Bihar Patna
2. The District Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad
4. The Officer in Charge, Amba Police Station, District – Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Dr. Leelawati Kumari, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 11-02-2019

The sole defect, as pointed out by the registry, is ignored.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. This writ petition has been filed by the petitioner for directing the respondent authorities to release the motorcycle bearing registration no.BR-26F 6241 in favour of the petitioner, which has been seized by the Officer-Incharge of Amba Police Station in connection with Amba P.S. Case No.89 of 2018 dated 02.10.2018 registered under Sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.



4. It is submitted by the learned counsel for the petitioner that the petitioner is owner of the vehicle bearing Registration No.BR-26F 6241, which was illegally seized in connection with Amba P.S. Case No.89 of 2018 on the pretext that 180 pouches of country-made liquor made in Jharkhand were being carried on it by the petitioner. She submitted that in any case the trial in criminal case will proceed, but the vehicle would become junk, if not released in favour of the petitioner forthwith, as it is lying in an open space in the police station.

5. *Per contra*, learned counsel appearing for the State submitted that in paragraph no.12 of the writ petition the petitioner has made a specific statement that confiscation proceeding against the vehicle has already been initiated and is pending.

6. On query, learned counsel for the petitioner admitted that the confiscation proceeding in respect of vehicle in question is going on before the Collector, Aurangabad.

7. In view of the admitted fact that the confiscation proceeding has been initiated and is pending before the Collector, Aurangabad, I am of the considered opinion that the application for release of the vehicle should be first made before him and not before this Court.



8. In that view of the matter, at this stage, I am not inclined to entertain the instant writ petition. It is disposed of accordingly with liberty to move for the relief prayed for in this application before the Collector, Aurangabad.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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