

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2020 of 2020

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Santosh Kumar, Son of Sri Shravan Paswan, Resident of Village- Asoi
Lachiram, P.S.- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Officer-in-Charge of Ramkrishna Nagar Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Adv
For the Respondent/s : Mr.Vivek Prasad (GP7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 08-07-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the respondents.

Petitioner has prayed for the following relief:-

“ For issuance of mandamus directing
and commanding the respondent authorities
to release the two wheeler vehicle Royal
Enfield Bullet Motorcycle bearing



registration No. BR-01DJ/8114, Engine No. U5S5F1HH002453 and Chasis No. ME3U5S5F1HH113446 which have been illegally and deliberately seized by the Ramkrishna Nagar Police pursuant to Ramkrishna Nagar P.S. Case No. 536 of 2019 dated 27.07.2019 registered punishable offence under Section 30(a) of the Bihar Prohibition of Excise Act 2016 and the petitioner also prays for any relief or reliefs for which he is legally entitled to, on the peculiar facts and circumstances stated in this petition. Pending in the court of learned Special Judge, Excise, Patna in Ramkrishna Nagar P.S. Case No. 536 of 2019 dated 27.07.2019.”

Informant has alleged in his written complaint that on 27.07.2019 at about 4:00 P.M. he received a confidential information that illicit liquor is being transported on a Maruti vehicle and on a Royal Enfield Bullet from Jharkhand and thereafter illicit liquor was recovered from the Maruti Van and same was seized however, from Bullet motorcycle there has



been no recovery of any illicit liquor as such the Royal Enfield Bullet Motorcycle is not liable for confiscation under Section 58 of the Excise Act. In view of law laid down by this court in case of Diwakar Kumar Singh Vs. State of Bihar reported in 2018 3 PLJR 403 which has been followed by Excise Commissioner, Bihar, Patna in his order dated 16.01.2010 passed in Appeal Confiscation Case No. 107 of 2019.

The writ petition is disposed of with liberty to petitioner to file a petition under Section 451 of Cr.P.C. for interim release of vehicle during pendency of criminal trial before the Special Court Excise and the Special Court Excise is directed to dispose of said petition within 30 days from the date of filing of such petition.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

