

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2774 of 2020

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Manoj Kumar S/o Kailash Paswan, resident of Village- Punakala, P.s.-
Paraiya, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna
2. The Excise Officer, Bihar Prohibition and Excise Department, Gaya
3. The District Magistrate, Gaya
4. The Superintendent of Police, District of Gaya, Bihar
5. The Officer in Charge, Paraiya Police Station, District- Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Kumar Manish (Sc5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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

Date : 09-07-2020

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

Petitioner has prayed for following reliefs:-

- (i) To issue an appropriate order/s, direction/s including a writ preferably in nature of mandamus commanding the respondents to release the vehicle/Bajaj CT 100 motorcycle bearing Reg. No.BR-02AN-1843,Chassis No.MD2B37AY8JPA24520, Engine No.PFYPJA68767 in favour of the



petitioner who is owner of the said motorcycle seized in Paraiya P.S. Case No.117/18 under Sections 272/273 of I.P.C. and under Section 30(a) of Bihar Prohibition and Excise Act, 2016 lying in the premises of police station and subject to natural decay by furnishing sufficient security to the satisfaction of learned Spl. Judge Excise, Gaya.

- (ii) For issuance of appropriate writ, order/direction commanding the respondents to release the motorcycle of the petitioner during the pendency of the confiscation proceeding a reasonable surety till the disposal of the said confiscation proceeding.
- (iii) Any other relief/s to which the petitioners are entitled in the facts and circumstances of the case.”

Counter affidavit has been filed on behalf of respondents in which it has been admitted that since no illicit liquor was recovered from the seized motorcycle, as such seized vehicle is not liable for confiscation under Section 58 of the Act. Relevant paragraph of counter affidavit is quoted hereinbelow:-

“9. That it is humbly stated and submitted that on 11.02.2020 when the matter was placed before the District Magistrate, Gaya after seeing the seizure list that nothing incriminating articles were recovered from the vehicle in question, District Magistrate



immediately directed the Senior Superintendent of Police, Gaya and Station House Officer, Paraiya Police Station, Gaya to release the vehicle of the petitioner immediately in light of order in C.W.J.C No.5049/2018 Diwaker Kumar Singh versus the State of Bihar and others.”

In view of statement made in the counter affidavit, the relief/s prayed, has already been granted, accordingly, this writ application, is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2020
Transmission Date	NA

