

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4832 of 2020

=====

Gupteshwar Ray S/o Dukhi Ray Resident of Village- Laxman Dera Chakki,
P.S.- Brahmpur (Chakki O.P.), District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principle Secretary, Bihar Excise Department
at Patna.
2. The Excise Commissioner Bihar Excise Department at Patna.
3. The Collector District of Buxar at Buxar.
4. The Superintendent of Police Buxar at Buxar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta
For the Respondent/s : Mr.Vivek Prasad (Gp7)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-07-2020

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

Petitioner has prayed for the following relief:-

“That this writ application is being filed
on behalf of above named petitioner for giving
direction to respondent to release Hero Super



Splender Motorcycle bearing Registration No. BR44J-6220 Chasis No. MBLJAR039J9B18161, Engine No. JA05EGJ9B18090 which was seized in connection with Brahmpur (Chakki O.P.) PS Case No. 235 of 2019 for offence under Section 30(a) of Bihar Prohibition and Excise Act, 2018.”

It has been submitted by learned counsel for the petitioner that no illicit liquor was recovered from the vehicle in question.

It has been submitted by learned counsel for the State that in case of no recovery of any illicit liquor from the vehicle, the vehicle is not liable for confiscation and same has been decided by the Excise Commissioner, Bihar, Patna, in appeal of confiscation being Case No. 107 of 2019 (arising out of Tariyani P.S. Case No. 184 of 2018) titled as Ajit Rai & Ors Vs. The Collector, Sheohar.

The writ petition is disposed of with liberty to petitioner to file a petition under Section 451 of Cr.P.C for release of vehicle before the concerned Special Court (Excise), where the trial of case arising out of **Brahmpur**



(Chakki O.P.) P.S Case No. 235 of 2019 is pending and the
Special Court is directed to dispose of such petition within
30 days from the date of filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

