

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5857 of 2020

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Santosh Kumar Sah Son of Hari Sah, Resident of Village- Bhim Nagar, Ward No. 13, P.S. Birpur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Collector, Supaul.
3. The Superintendent of Police, Supaul.
4. The S.H.O. Taranpura, P.S. District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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

Date : 10-07-2020

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

Petitioner has prayed for the following relief:-

“For directing the respondent authority to release
CB12SHINE (HONDA MOTORCYCLE) IN QUESTION
HAVING REGISTRATION NO. BR50K9116, CHESIS NO.
ME4JC737JJT090428, which has been seized in connection
with Ratanpura PS Case No. 67 of 2019 dated 17.11.2019
under Section 37(C) of the Bihar Prohibition and Excise Act,
2016.”

FIR was instituted under 37(c) of the Bihar Prohibition



and Excise Act, 2016, against the driver of the vehicle bearing Registration No. BR50K9116, who was found in a drunken condition while driving the vehicle giving rise to Ratanpura PS Case No. 67 of 2019 dated 17.11.2019 .

Petitioner claims to be owner of the vehicle and there is no allegation of recovery of any illicit liquor from the vehicle as such, the vehicle is not liable for confiscation,

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).

As the seized vehicle is not liable for confiscation, bar of jurisdiction in confiscation under Section 60 of the Excise Act is not applicable and the Special Court (Excise) can exercise jurisdiction under Section 451 of Cr.P.C for release of the vehicle during pendency of criminal trial.

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 Ratanpura PS Case No. 67 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

