

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7148 of 2020

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Satya Prakash S/o Vijay Kumar R/o House No. 301, R.P. Tower Road, Patna
G.P.O., P.S.- Kotwali, District- Patna.

... .. 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, Kotwali Police Station, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-07-2020

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

Petitioner has prayed for the following reliefs: -

“To issue an appropriate order/s, direction/s including a writ preferably in nature of Mandamus commanding the respondents to release the vehicle/Mahindra Jeep bearing Reg. No. BR-01PG-2659, Chassis No. MA1NA2SMXF6J40909, Engine No.SMF6J13263 in favour of the petitioner who is owner of the said jeep seized in Gaya Kotwali P.S. Case No.436/19 u/s 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 Addl. District &



Sessions Judge-II-cum-Spl. Judge Excise, Gaya.”

Learned counsel for the petitioner prays that the petition be disposed of in terms of order dated 9th January, 2020 passed in **CWJC No. 20598 of 2019 titled as Md. Shaukat Ali Vs. The State of Bihar** and subsequent order dated 14th January, 2020 passed in **CWJC No.17165 of 2019 titled as Umesh Sah Versus the State of Bihar & Ors.** and order dated 29.01.2020 passed in **CWJC No.2050 of 2020 titled as Bunilal Sah @ Munilal Sah.**

Learned counsel for the respondents has no objection to the same.

The Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the Act) prohibits the manufacture, storage, distribution, transportation, possession, sale, purchase and consumption of any intoxicant or liquor, unless so allowed in terms of the Act. (Section 13).

In addition to the penalty imposed for committing such an offence, Section 56 of the Act lays down the procedure for confiscation of “things” used for in the commission of such an offence. The said Section reads as under:

“56. Things liable for confiscation.-

Whenever an offence has been committed, which is punishable under this Act, following things shall be



