

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6238 of 2020

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Rahul Harshawardhan Son of Kripa Nandan Prasad Ambastha, resident of Village - Agwanpur Bahrawana, P.S. Bihata, District- Patna, at present residing Flat No. 101 Ayodhya Dham Apartment Vijay Nagar P.S. Rupaspur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Registration, Excise and Prohibition Department Government of Bihar.
2. The District Magistrate cum Collector Jamui.
3. The Assistant Excise Commissioner, Jamui.
4. The Superintendent of Police, Jamui.
5. The Superintendent of Excise, Jamui.
6. The Station House Officer, Malipur Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv
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 : 25-06-2020

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

Petitioner has prayed for the following relief:-

“For issuance of direction to release the vehicle Beleno Vehicle bearing registration No. BR01EQ2890, Chesis No. MBHEWB225LA437779, Engine No. K12MN7542131 in favour of petitioner and entitle of possession.”

FIR was instituted under section 279, 337, 338, of IPC
and Section 37(b) of the Excise Act against the driver and other
occupant of the vehicle bearing registration No. BR01EQ2890



and accordingly, they were arrested for rash and negligent driving in a drunken condition and the vehicle was seized.

Petitioner claims to be owner of the vehicle and since there is no recovery of any illicit liquor, as such bar of jurisdiction in confiscation under Section 60 of the Excise Act is not applicable as the seized vehicle is not liable for confiscation 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 Malaypur PS Case No. 13 of 2020 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	
CAV DATE	
Uploading Date	
Transmission Date	

