

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9406 of 2020

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Bittu Kumar Son of Krishna Prasad, resident of Mohalla- Ashok Nagar,
Kankarbagh, P.s.- Kankarbagh, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna
2. The District Magistrate, Patna
3. The Senior Superintendent of Police, Patna
4. The Officer-in-Charge, Alamganj Police station, District- Patna

... .. Respondent/s

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

Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Adv
For the Respondent/s : Mr. Kumar Manish SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 17-12-2020

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“ That this is an application for issuance of writ in
the nature of Mandamus for direction to respondents to
release Apache motorcycle bearing its Registration No. BR-
01ED-1827 which is seized in connection with Alamganj
Police Station Case No. 199/2020, arising out of Special
Case No. 2624 of 2020. ”

The rider of the motorcycle was found in a drunken
condition and driving the vehicle in a rash and negligent manner



for which Alamganj P.S. Case No. 99 of 2020 dated 11.03.2020 was instituted under Section 279/337 of IPC and 37(c) of the Bihar Prohibition & Excise Act.

As there was no recovery of any illicit liquor from said motorcycle as such seized motorcycle is not liable for confiscation and bar of jurisdiction in confiscation under Section 60 of the Excise Act is not applicable and the Special Court, Excise where the excise case is pending has jurisdiction to pass an order for release of the motorcycle.

The writ petition is disposed of with liberty to petitioner to file a petition under Section 451 of Cr.P.C. for release of the motorcycle and the Special Court, Excise shall dispose of such petition within 30 days from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2021
Transmission Date	NA

