

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7496 of 2020**

Prabhat Ranjan Son of Late Aditya Prakash Singh Resident of Mohalla-Dheerachak, Nandi Vatika, Anishabad, Police Station - Gardanibagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise and Prohibition Department, Government of Bihar, Patna.
2. The Collector/ District Magistrate, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent Excise, Patna.
6. The Officer-in-Charge Cum S.H.O. Gardanibagh Police Station, District-Patna.
7. The investigating Officer S.I. Gardanibagh Police Station Under District-Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                                                     |
|----------------------|---|-----------------------------------------------------|
| For the Petitioner/s | : | Mr.Jogendra Kumar<br>Mr. Bibhakar Tiwary, Advocates |
| For the Respondent/s | : | Mr.Lalit Kishore (Ag)<br>Mr. Vivek Prasad, GP7      |

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

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

**Date : 09-09-2020**

Heard the parties.

Petitioner has prayed for following reliefs:-

“Through this writ application the petitioner is seeking indulgence of this Hon’ble Court for issuance of appropriate writ(s), direction(s)/order(s) for release of his Honda Shine Motorcycle bearing registration No. BR01EN-1353 which has



been seized in connection with Gardanibagh P.S. Case No. 75 of 2020 registered under Sections 30(a), 37(b)(c) of the Bihar Prohibition and Excise Act, 2016.”

Informant is police officer who has alleged in his written complaint that on 8.2.2020 he along with other police personnel were on evening patrolling duty when he saw two motorcycles parked and on suspicion went near motorcycle he saw 3-4 persons in a nearby hut who started fleeing on seeing the police, however, one was nabbed and other managed to flee away and on search, in said hut, 180 ml. of illicit foreign liquor was recovered and same was seized and the nabbed person Vishnu Ballabh was arrested and two motorcycles parked outside were also seized and FIR was instituted giving rise to Gardanibagh P.S. Case No. 75 of 2020 registered under Sections 30(a), 37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

Petitioner claims to be owner of the vehicle. As there was no recovery of any illicit liquor from said vehicle as such seized vehicle 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 vehicle.

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



vehicle and the Special Court, Excise is directed to dispose of such petition within 30 days from the date of its filing.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

Sanjay/-

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

