

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9542 of 2020

=====

Arun Kumar Son of Sudama Patel Resident of Village Chargaha, Ward No.
03, Tola Parbatia, P.S.- Bettiah Mufassil, District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Prohibition, Excise and
Registration Department, Govt. of Bihar, Patna.
2. The District Magistrate, West-Champaran, Bettiah.
3. The Superintendent of Excise, West- Champaran, Bettiah.
4. The Superintendent of Police, Bagaha, West-Champaran.
5. The Officer-in-Charge of Bagaha Patakhauri Police Station, District West
Champaran.
6. Investigating Officer, Bagaha Patakhauri P.S. Case No. 561/19, P.S. Bagaha
Patakhauri, District West Champaran.

... .. Respondent/s

=====

(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.Mukesh Kumar, Adv
For the Respondent/s : Mr.Lalit Kishore (Ag)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 21-12-2020

Heard learned counsel for the parties.



Petitioner has prayed for the following relief:-

"For release of Apache Motor Cycle bearing Registration No. BR22AN0816, Chassis No. MD634DE68K2B02333, Engine No. DE6BK2202194 which was seized on 20.10.2019 registered under sections 414, 272, 273/34 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act, 2016."

Allegation is of recovery of APACHE motorcycle of the petitioner which was parked outside the house in which FIR named accused were consuming illicit liquor giving rise to Bagaha Patkhauli P.S. Case No. 561 of 2019 instituted for the offences punishable under Sections 414, 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition & Excise Act, 2016.

As there is no allegation of recovery of any illicit liquor from the seized vehicle, same is not liable for confiscation under section 56 of the Bihar Prohibition & Excise Act, 2016 and the Special Court (Excise) where the criminal case is pending has jurisdiction to pass order of release of seized vehicle.

Writ petition is disposed of with liberty to petitioner who is owner of the vehicle to file an application



under Section 451 of Cr.P.C for release of his vehicle in the concerned Special Court (Excise) who 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	20.01.21
Transmission Date	NA

