

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7743 of 2020

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Vijay Kumar Singh, S/o Raj Kumar Singh, resident of Village - Shalap
Kalitala Domjur, P.S.- Domjur, District- Howrah (W.B.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The Collector cum District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The S.H.O., Alamganj, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Adv.

For the Respondent/s : Mr.Lalit Kishore (AG)

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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.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 15-09-2020

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

Petitioner has prayed for following relief:-

“ For issuance of an appropriate writ,
order or direction directing the
respondents concern to release the
Truck bearing Registration No. WB-
11D-7822, Engine No.
E424CDHL174328, Chasis No.



MC2G3HRCOHL135448 in favour of the petitioner which has been seized in connection with Alamganj P.S.Case No. 482/2020 instituted for offence under Sections 279/427/290 of the I.P.C. and Section 37 (C) of the Bihar Prohibition and Excise Act.”

Informant is a police officer who has alleged in his written complaint that on 19.08.2020 while he was on patrolling duty along with other police personnel he received a information that one truck driver is driving the truck in a rash and negligent manner and in a drunken condition and has dashed against the Gandhi Setu and on receiving such information he reached said place and arrested driver who disclosed his name as Kaushal Kumar and truck was seized for which FIR was lodged giving rise to Alamganj P.S.Case No. 482/2020.

As the driver of the truck was found in drunken condition and there was no recovery of any illicit liquor from his possession the truck is not liable for confiscation under Section 56 of the Excise Act and bar of jurisdiction in confiscation is not applicable and as such Special Court Excise



where the Excise case is pending has jurisdiction to pass order of release of the vehicle.

The writ petition is disposed of with a liberty to petitioner to file an application under section. 451 of Cr.P.C. for release of his vehicle and if any such petition is filed the Special Court Excise shall disposed of said petition within 30 days from the date of filing of such petition.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

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

