

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7831 of 2020

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Chandan Kumar Son of Radheshyam Lal, Resident of Vill.- Athmalgola
Bazar, P.S.- Athmalgola, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Excise Commissioner, New Secretariat, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police Rail, Patna.
4. The S.H.O. Rail P.P. Taregna, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand
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)

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

Date : 21-09-2020

Heard the parties.

Petitioner has prayed for following relief:-

“For issuing a direction to the respondents
specially respondent no.4 to release the Bolero Pick
Up Van (Goods Carriers) bearing
registrationNo.BR01GH7780,ChassisNo.MA1ZN2T
BKK1G56736, Engine No.TBK1G63715, in favour
of petitioner which was seized by S.I. of Rail O.P.
Taregna, Jehanabad giving rise to Rail Jehanabad
(Taregna) P.S. Case No.22/2020 dated 15.08.2020



registered u/s 279 of the I.P.C. and 37© of Bihar Prohibition and Amendment Act, 2018 and 153 of the Railway Act to the satisfaction of learned Special Judge, Excise, Jehanabad on such term/s as this Hon'ble Court may deem fit and proper.”

Informant is a police officer who in his self-statement has alleged that on 14.8.2020 he received an information that one Pick Up Van is trapped on the railway track and on receiving said information, he along with other police personnel reached said place and saw that one Pick Up Van is trapped in the down-line and the driver of the Pick Up van was found in drunken condition and somehow the Pick Up van was brought on the road and thereafter the driver Rohit Kumar was apprehended and the Pick Up van seized for which FIR was registered giving rise to Rail Jehanabad (Taregna) P.S. Case No.22/2020 dated 15.08.2020 registered u/s 279 of the I.P.C. and 37 (C) of Bihar Prohibition and Amendment Act, 2018 and 153 of the Railway Act.

As there was no recovery of any illicit liquor from the seized vehicle and driver was found under drunken condition as such seized vehicle is not liable for confiscation under Section 56 of the Excise Act and bar of jurisdiction in confiscation under Section 60 is not applicable and the Special Court, Excise



where the excise case is pending has jurisdiction to pass order for release of seized vehicle.

Petitioner is granted liberty to file a petition under Section 451 of CR.P.C. for release of his vehicle and the Special Court, Excise shall disposed of such petition within 30 days from its filing.

With aforesaid observation and liberty, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

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

