

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7862 of 2020

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Santosh Sah, Son of Shri Lal Babu Sah, resident of Village - Sangrampur,
Post- Bhatgain, Police Station- Taraiya, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate, Saran.
2. The District Magistrate, Saran.
3. the Superintendent of Police, Saran.
4. The Officer in - Charge, Dighwara, Police Station- Dighwara, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Basant Kumar Singh, Adv
For the Respondent/s : Mr. Vivek Prasad GP-7

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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 : 25-09-2020

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

Petitioner has prayed for the following relief:-

"This petition is being filed for issuance of a writ in the nature of mandamus commanding the respondents to release the truck of the petitioner bearing Registration No. BR04GA-0872 which has been seized in connection with Dighwara P.S. Case No. 36 of 2020, registered for the offence allegedly committed under Sections 279/337/338 of the Indian Penal Code as well as under Section 37(b)(c) of Bihar Prohibition and Excise Act, 2016."

Allegation against driver of the seized truck is of driving



the vehicle in a rash and negligent manner in a drunken condition causing accident giving rise to **Dighwara P.S. Case No. 36 of 2020** instituted for the offences punishable under Sections 279/337/338 of the Indian Penal Code as well as Section 37(b)(c) of Bihar Prohibition and Excise Act, 2016.

As there is no allegation of recovery of any illicit liquor from the seized truck, 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 truck.

Writ petition is disposed of with liberty to petitioner, who is the owner of the truck, to file an application under Section 451 of Cr.P.C for release of his truck 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	
Transmission Date	NA

