

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8055 of 2020

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Chand Govind Singh Son of Purushottam Singh Resident of Village-
Chhihattar Maner, P.S.-Maner, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Patna.
3. The Assistant Excise Commissioner, Patna.
4. The Superintendent of Excise, Patna.
5. The Superintendent of Police, Patna.
6. The Vehicle Inspector, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Mr. Ashutosh Kumar Singh Mr. Dewendra Narayan Singh, Advocates
For the Respondent/s	:	Mr. Vikash Kumar, SC 11

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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 : 28-09-2020

Heard the parties.

Petitioner has prayed for following reliefs:-

- (i) For release of Mahindra Pickup vehicle bearing its registration number as BR-01GD-6676, Chassis No.MA1ZN2GHKE1F51030 and Engine No.GHE1F40014 of the petitioner which has been seized in connection with Digha P.S. Case No. 317 of 2020 registered for the offences punishable under Sections 279, 34 of the IPC and Sections 37(b)(c) of the Bihar Prohibition and Excise Act, 2016 on 19.06.2020 seized for the alleged violation of Excise



Laws. and

- (ii) Also for restraining the respondent authorities from initiation and completion of confiscation proceeding against petitioner's Mahindra Pickup vehicle bearing its registration Number as BR-01GD-6676, seized in connection with Digha P.S. Case No. 317 of 2020."

Allegation is rash and negligent driving of vehicle in a drunken condition. Accordingly, the vehicle was seized and driver was arrested for which FIR was instituted giving rise to Digha P.S. Case No. 317 of 2020 registered for the offences punishable under Sections 279, 34 of the IPC and Sections 37(b) (c) of the Bihar Prohibition and Excise Act, 2016. As allegation is driving vehicle in drunken condition and there is no recovery of illicit liquor from the vehicle, as such, same 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 as such, Special Court, Excise where the excise case is pending has jurisdiction to pass an order for release of the seized vehicle.

Petitioner is granted liberty to file an application under Section 451 of Cr.P.C for release of his seized vehicle and the Special Court, Excise shall dispose of said petition within 30 days from the date of its filing.

With aforesaid observation and direction, the writ



petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.10.2020
Transmission Date	NA

