

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8148 of 2020

PREMA KUMARI Wife of Surendra Prasad Chaudhary Resident of Mohalla-
Vivek Vihar, Road No.3, Om Nursing Home, Hanuman Nagar, Police Station-
Patrakar Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintended of Police, Patna.
4. The Station Head Officer, Patrakar Nagar Police Station, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar
Mr. Ravi Prakash, Advocates
For the Respondent/s : Mr.Lalit Kishore (Ag)
Mr. Vivek Prasad,

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 : 29-09-2020

Heard the parties.

Petitioner has prayed for following relief:-

“This writ application is being filed for issuance of direction to respondents authorities for release of Tata Harrier car bearing registration No.BR01-EE-6756, Chassis No.MAT631111KPC52563, Engine No.46336890-4032520 to release in favour of the petitioner which was seized by the officer of Patrakar Nagar Police Station, District- Patna in



connection with Patrakar Nagar P.S. Case No.573 of 2020.”

Informant is a shopkeeper who in his written complaint has alleged that while he was going to market on his motorcycle, one vehicle which was being driven in a rash and negligent manner and in a drunken condition dashed against his motorcycle as a result of which, he fell down and got injured and on information, police reached there and arrested the driver who was in a drunken condition and the vehicle was seized for which FIR was registered giving rise to Patrakar Nagar P.S. Case No.573 of 2020.

It is submitted on behalf of petitioner that she is owner of the vehicle and while she was away, accused driver Shailesh Kumar took away the vehicle without her permission and knowledge. As there is no recovery of illicit liquor from the seized vehicle, same is not liable for confiscation under Section 56 of the Excise Act and bar of jurisdiction in confiscation under Section 60 of the Excise Act is not applicable and the Special Court, Excise where excise case is pending has jurisdiction to pass an order for release of seized vehicle.

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



With aforesaid observation and liberty, this 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

