

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8287 of 2020

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Ashish Prince Son of Abhay Singh, Resident of Village - RZ -C- 106, Dabri
Extension South, P.S. Dabri, New Delhi.

... .. 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, Saran at Chapra.
3. The Assistant Excise Commissioner, Saran at Chapra.
4. The Superintendent of Excise, Saran at Chapra.
5. The Vehicle Inspector, Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar Singh, Advocate
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 : 06-10-2020

Heard the parties.

Petitioner has prayed for following relief:-

(i) For release of petitioner's Renault Kwid-RXL Car vehicle, bearing its registration number as DL-09-CAP-5507, Chassis No.MEEBBA000J1560104 and Engine No.B4AA400E189007, in favour of petitioner, which has been seized in connection with Rivilganj P.S. Case No.260 of 2020 registered for the offences punishable under Section 37(b), (c) of the Bihar Prohibition and Excise Act, 2016 on 27.07.2020, seized for the alleged violation of Excise Laws.

(ii) Also for restraining the respondent authorities from initiation and completion of confiscation



proceeding against petitioner's Renault Kwid-Rxl car vehicle bearing its registration Number as DL-09-CAP-5507, seized in connection with Rivilganj P.S. Case No.260 of 2020.

(iii) Also for any other relief/reliefs for which the petitioner is found entitled in the eye of law."

Allegation against the driver of the seized vehicle is of driving the vehicle in a rash and negligent manner and in a drunken condition and vehicle dashed against the informant causing injury to him for which he was carried to Health Center for treatment for which FIR was instituted giving rise to Rivilganj P.S. Case No.260 of 2020 registered for the offences punishable under Section 37(b), (c) of the Bihar Prohibition and Excise Act, 2016 and the vehicle was seized.

It is submitted on behalf of petitioner that he is the owner of the seized vehicle and no illicit liquor was recovered from the seized vehicle and allegation is against the driver of driving the vehicle in a drunken condition as such the vehicle is not liable for confiscation under Section 56 of the Act and the bar of jurisdiction in confiscation under Section 60 of the Act is not applicable and Special Court, Excise where the excise case is pending has jurisdiction to pass order for release of the seized vehicle during pendency of trial.

Writ petition is disposed of with liberty to petitioner to file a petition under Section 451 of Cr.P.C. for release of his seized vehicle under the Excise Act and the



Special Court, Excise shall dispose of such petition within 30 days of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.10.2020
Transmission Date	NA

