

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8493 of 2020

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Abhijeet Kumar Son of Late Amar Kishor Roy @ Amar Kishor Singh
Resident of Mohalla- Ashok Nagar Road No. 11, Police Station- Kankarbagh,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Home, Patna.
2. The Principal Secretary Department of Home, Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Officer- In- Charge of Gopalpur, Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jagdish Prasad Singh, Adv
For the Respondent/s : Mr. Vikash Kumar SC-11

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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 : 15-10-2020

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

Petitioner has prayed for the following relief:-

"That the petition is being filed for the issuance of



appropriate writ or direction directing the respondents to release Alto Car bearing registration No. BR-01PH-4760 in favour of petitioner which has been seized in connection with Gopalpur P.S. Case No. 116 of 2020 under Section 279 of IPC and 37(b)(c) of the Bihar Prohibition and Excise Act, 2016 pending in the Court of Special Judge, Excise, Patna as Spl. Case No. 2924 of 2020."

Allegation against driver of the seized car is driving the vehicle in a rash and negligent manner in a drunken condition giving rise to Gopalpur P.S. Case No. 116 of 2020 instituted for the offences punishable under Section 279 of IPC and Section 37(b) (c) of Bihar Prohibition & Excise Act, 2016.

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

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

