

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8570 of 2020

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Pramod Paswan son of Bhikhari Paswan resident of Village Shekhpura P.O.
Sori, P.S. Kutumba, Sori, Aurangabad Sori, Bihar- 824102.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, New Secretariat, Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Officer in- charge Aurangabad Sadar Police Station District Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv
For the Respondent/s : Mr. Kumar Manish SC-5

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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 this writ application has been filed for a direction to the respondent authorities to release the vehicle i.e. Motorcycle No. BR26Q3165 in favour of the petitioner which has been seized by the respondent in connection with Mali P.S. Case No. 29/2020 registered under Section 30(a) of the Excise Act."



Informant in his written complaint has alleged that on 06.04.2020 at about 2:00 pm while he was on Samba More, he got secret information that one person namely Chandan Kumar Chandrawanshi has brought illicit liquor on his pulsar motorcycle and has concealed the same in a brick house. After receiving said information, he along with other police personnel reached the place and after seeing the police party accused Chandan Kumar Chandrawanshi left his PULSAR Motorcycle and fled away. From the search of the brick house total 24.75 litre of illicit liquor was recovered. The said PULSAR Motorcycle and illicit liquor was seized giving rise to Mali P.S. Case No. 29/2020 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

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

Writ petition is disposed of with liberty to petitioner



who is owner of the motorcycle to file an application under Section 451 of Cr.P.C for release of his motorcycle 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

