

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8635 of 2020

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MANOJ KUMAR @ MANOJ YADAV, Son of Late Motilal Yadav, resident
at village- Mahdeva, P.S.- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna
2. The Excise Commissioner, Bihar, Patna
3. The District Magistrate, Darbhanga
4. The Superintendent of Police, Darbhanga
5. The Officer in Charge of Darbhanga Town Police Station District Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arbind Kumar 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 : 19-10-2020

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

Petitioner has prayed for the following relief(s):-

“For issuance of writ in the nature of
mandamus or any other appropriate
writ order or direction directing the
Respondent No. 3 to release the Tata
Zest Maruti Car bearing no registration
number, Engine No. 100A2000-
0664118, Chesis No.



MAT624031HPA00224 seized in connection with Darbhanga Town P.S. Case No. 45/2020 offence under section 30(a) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the Act).”

Informant is police officer who has alleged in his written complaint that while he was on patrolling duty along with other police personnel he received a confidential information that four miscreants in a Zest Car are carrying illicit liquor in a Scorpio and on receiving said information he reached said place and found a Zest Car which was being followed by a white Scorpio and he stopped the Zest Car and four miscreants tried to flee away however they were nabbed and the driver of the white Scorpio fled away leaving the Scorpio and thereafter from search of Scorpio vehicle 530 liters of illicit liquor was recovered however there was no recovery of any illicit liquor from the Zest Car (without registration number) and four miscreants were apprehended and the white Scorpio and Zest Car was seized.

It is submitted on behalf of the petitioner that he is owner of the Zest Car and as no recovery of any illicit liquor has been made from the Zest Car which is apparent from the FIR as well as seizure memo same is not liable for confiscation under



Section 58 of the Excise Act and as such bar of jurisdiction in confiscation under section 60 of the Excise Act is not applicable and the Special Court, Excise where the excise case is pending has jurisdiction to pass order for release of the seized vehicle.

The writ petition is disposed with liberty to petitioner to file an application under section 451 of the Cr.P.C. for interim release of seized vehicle before the Special Court Excise, where the excise case is pending and the Special Court Excise shall disposed of such petition within 30 days from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

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

