

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3492 of 2018

1. Yashoda Devi, Wife of Rambyash Yadav, Resident of Village Jagdishpur, P.S. Chouparan, District Hazaribagh (Jharkhand).
2. Kauleshwar Kumar Saw @ Kauleshwar, Son of Hari Nath Saw, Resident of Village Ganga Ahar, P.S. Chouparan, District- Hazaribagh (Jharkhand).

... .. Petitioners

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Collector-cum-District-Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The S.H.O. Madanpur, Police Station, District Aurangabad.

... .. Respondents

Appearance :

For the Petitioners : Mr. Ashok Kumar No.6, Adv.
For the Respondents : Mr. A.K. Sinha- GA-1

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 21-01-2020 Heard learned counsel for the petitioners and the respondents.

The petitioners pray for setting aside the order dated 18.09.2017 passed by the District Magistrate, Aurangabad in Excise Case No. 204 of 2016 whereby vehicles, namely, Motorcycle bearing Registration No. JH 02Z 2102 which belongs to petitioner no. 1 and Goods Carrier Tempu bearing Chechis No. MAILN 2F4JD3M9 9329 which belongs to petitioner no. 2 have been confiscated and further direction to



the respondents to release the vehicles seized in connection with Madanpur P. S. Case No. 109 of 2016 registered for the offences punishable under Sections 47, 54 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

Learned counsel for the petitioners invites our attention to the order dated 18th January, 2020 passed in CWJC No. 3245 of 2017 titled as Manish Kumar Chaudhary Vs. The State of Bihar & Ors. and prays for disposal in terms thereof.

As such, as prayed for, on mutually agreed terms, we dispose of the present petition in terms of the order dated 18th January, 2020 passed in CWJC No. 3245 of 2017 titled as Manish Kumar Chaudhary Vs. The State of Bihar & Ors. making the terms contained therein, applicable mutatis mutandis, insofar as applicable, also to the instant petition. The terms of the said order shall be deemed to have been incorporated and read as a part and parcel of the present order.

It shall be obligatory on the part of the instant parties to place on record of the authorities under the provision of the Bihar Prohibition and Excise Act, 2016, a copy of not only the order passed in the instant petition, but also that of CWJC No. 3245 of 2017 titled as Manish Kumar Chaudhary Vs. The State of Bihar & Ors. which can be conveniently downloaded from



the internet.

No order as to costs.

Petition stands disposed off in the aforesaid terms.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

Rajeev Kumar/-

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