

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9601 of 2020

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Satish Kumar S/o Late Vakil Ray R/o Naya Tola, Saristabad (Kachi Talab),
P.S. Gardanibag, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar Patna.
2. The Director General of Police, Bihar Patna.
3. The District Magistrate cum Collector, Kaimur at Bhabua.
4. The Senior Superintendent of Police, Kaimur at Bhabua.
5. Station Head Officer of Police Station Mohania, Kaimur at Bhabua.
6. Assistant Sub- Inspector, Mohania Police Station, Kaimur at Bhabua.

... .. Respondent/s

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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.)

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv
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)

Date : 22-12-2020

Heard learned counsel for the parties.

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

“That the present writ application is being filed with a prayer to issuance of appropriate writ in nature of mandamus or any appropriate writ and order and direction to direct the respondent authorities to release the Maruti Swift Car in white colour bearing registration no. BR-01CJ-4546, Engine No. KIZMM1545793, Chasis No. MA3EHKD1500845045 in favour of the petitioner, which has been seized in connection with Mohania P.S. Case No.



279/2020, pending in the court of A.D.J. 5th cum Special Judge (Excise), Kaimur at Bhabua, instituted under section 279, 337, 338 I.P.C. and 37(C) of the Bihar Prohibition and Excise (Amendment) Act 2018.”

As the driver of the Car was found in a drunken condition and there was no recovery of any illicit liquor from said Car as such Car is not liable for confiscation and 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 an order for release of the Car.

The writ petition is disposed of with liberty to petitioner to file a petition under Section 451 of Cr.P.C. for release of the Car and the Special Court, Excise 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	22.01.2021
Transmission Date	NA

