

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14440 of 2019

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Santosh T Baba @ Santosh Kumar S/o Shiv Narayan Rai, R/v- Goraiya

Asthan near at Vidya Niketan School, P.S.- Kadam Kuan, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Officer in charge of Kadam Kuan Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Respondent/s : Mr.Vivek Prasad (Sc11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 25-06-2020

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

Petitioner who is an accused in Kadamkuan PS Case
No. 88 of 2019 instituted for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016 in
which huge amount of foreign liquor was recovered from
TATA INDIGO Car bearing registration No. BR01 CJ 8596,
Chassis No. MAT607341FPE22711, Engine No.



4751DT14EUYP30992, which was seized by the police, however, accused persons as named in FIR including petitioner managed to flee away from the car.

It is submitted on behalf of petitioner Rakesh Kumar is the registered owner of the seized vehicle, who had purchased this car from Guinea Motors Private Limited and from whom he had purchased the car for which an agreement was entered between Rakesh Kumar and Santosh Kumar brother of petitioner that after paying full consideration money, the vehicle will be transferred in the name of Santosh Kumar.

It is an admitted fact that from the seized vehicle huge quantity of foreign liquor was recovered, as such, said vehicle is liable for confiscation under Section 58 of the Bihar Prohibition & Excise Act, 2016 and registered owner of the seized vehicle is Rakesh Kumar, as such proceeding of confiscation case is to be drawn against said Rakesh Kumar and petitioner has no locus standi to file this writ petition on the ground that an agreement was entered between his brother Santosh Kumar and owner of the vehicle Rakesh Kumar and after paying the consideration money there will be transfer of ownership of the vehicle, as such, there is no merit in this writ



petition and it is, accordingly, dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

