

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9590 of 2020

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Avadhesh Yadav Son of Sri Madan Yadav , Resident of Village-Khairatwa,
Ward No. 14, P.S.-Bagaha, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The Collector, West Champaran, Bettiah
3. The Superintendent of Police, West Champaran, Bettiah.
4. The Superintendent of Excise, West Champaran, Bettiah.
5. The Officer-in-Charge, Bagaha P.S., West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P. 7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 22-12-2020

Heard learned counsel for the petitioner and

learned counsel for the State.

Petitioner has prayed for the following reliefs: -

“That this is an application for issuance of an appropriate writ/order/direction, particularly in nature of mandamus, for directing the learned Special Judge, Excise, West Champaran, Bettiah/the Collector, West Champaran, Bettiah, to release the ebony black-blue colored Bajaj Platina motorcycle bearing Registration No.BR 22AM 3940 chasis No

Prohibition and Excise Act, 2016 for the alleged recovery of 81 liters of Crazy Romeo liquor from the bag being carried on the motorcycle, in respect of which Confiscation proceeding has not yet been initiated.”

Learned counsel for the petitioner prays that the petition be disposed of in terms of order dated 9th January, 2020 passed in **CWJC No. 20598 of 2019 titled as Md. Shaukat Ali Vs. The State of Bihar** and subsequent order dated 14th January, 2020 passed in **CWJC No.17165 of 2019 titled as Umesh Sah Versus the State of Bihar & Ors.** and order dated 29.01.2020 passed in **CWJC No.2050 of 2020 titled as Bunilal Sah @ Munilal Sah.**

Learned counsel for the respondents has no objection to the same.

The Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the Act) prohibits the manufacture, storage, distribution, transportation, possession, sale, purchase and consumption of any intoxicant or liquor, unless so allowed in terms of the Act. (Section 13).

In addition to the penalty imposed for committing such an offence, Section 56 of the Act lays down the procedure for confiscation of “things” used for in the commission of such an offence. The said Section reads as under:



