

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17354 of 2019

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Gaurav, S/o Chahat Ram, R/o Village- House No. 36 Near Sector 18, Rajiv Nagar, P.S.- Old Faridabad, District- Faridabad, Haryana.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector, District- Gopalganj.
4. The Superintendent of Police, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhakar Singh
For the Respondent/s	:	Mr.Vikash Kumar (SC11)
		Mr, Vishwanath Singh, Adv

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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 : 07-09-2020

Heard the parties.

Petitioner has prayed for following relief:-

“ For issuance of appropriate writ or writs commanding the respondent authorities to forthwith release the 120 four wheeler bearing Registration No. HR51B-54365, Chasis No. MALBM51RLHM465212, Engine No.



D4FCHM452832 belonging to the petitioner, which was seized by the police in Trial No. 1241/19 arising out of connection with Kuchaikote P.S. Case No. 241/17 dated 26.08.2017, instituted for the offence U/s 30(a)(b)(c) of the Bihar Prohibition and Excise Act 2016 and pending before learned ADJ-II, Gopalganj.”

Informant who is a police officer has alleged in his written complaint that on 26.08.2017 while he was on day patrolling duty along with other police personnel and was checking the vehicles coming from U.P. when he saw two trucks coming and were signaled to stop then on seeing the police both drivers tried to flee away however they were nabbed after chase who disclosed their name and from both the vehicles huge quantity of illicit liquor were recovered upon which FIR was lodged giving rise to Kuchaikote P.S. Case No. 241/17 under Section 420,272, 273 of the Indian Penal Code and section 30(a)(b)(c) of the Bihar Excise Act. As there was huge recovery of illicit liquor and interstate gang was involved in this crime the case was transferred to Economic Offence Unit Bihar, Patna.



On 14.01.2018, on secret information the vehicle in question was searched and the FIR named accused Jitendra was found inside the vehicle and was arrested however he could not produce any ownership document with respect to seized vehicle. The vehicle number was also found to be fake and subsequently it was found that till seizure of the vehicle on 14.01.2018 the vehicle was not registered and during seizure period the vehicle was registered on 02.04.2018 under Registration No. HR-51-BS4365 and same was sold by first owner Sunil Sharma in favour of petitioner which is illegal.

It has been submitted on behalf of Economic Offence Unit that as no illicit liquor was recovered from the vehicle as such no recommendation has been made for confiscation of the vehicle U/s. 56 of the Excise Act to the Confiscating Officer.

From the counter affidavit filed on behalf of Economic Offence Unit. It appears that that a report was submitted to the Special Court Excise pursuant to memo no. 417 dated 12.03.2019 opposing the release of the vehicle. It appears that petitioner has filed a petition before the Special Court Excise for release of his vehicle which was opposed by the Economic Offence wing. However, nothing has been stated about the outcome of the said petition and suppressing this fact



present writ petition has been filed before this court for release of vehicle, as such, present petition is not maintainable and is accordingly dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

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

