

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15559 of 2019

M/s Aryan Enterprises through its Proprietor Satish Kumar Son of Ramashray Prasad, Ward No. 11, Thakurbari Near Dhanki Dhaja, Motihari, Police Station Town and Town Motihari, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, Patna District- East Champaran.
3. The Superintendent of Police, District- East Champaran.
4. The Officer Incharge, Chhuradano Police Station, District- East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar
For the Respondent/s : Mr.Kumar Manish (Sc5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 26-06-2020

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

Petitioner has prayed for the following reliefs: -

“For issuance of writ in the nature of
mandamus directing and commanding the
respondents to release the Battery Control
Rickshaw (Musfir Eco) bearing Controller No.



ACB0050, Motor No. AMB0050, Chasis No. M9WAER11KBB0000050 in favour of the petitioner which has been seized in Chhauradano P.S. Case No. 84 of 2018 on 09.04.2018.”

FIR was instituted under section 37(b) of the Bihar Prohibition and Excise Act, 2016, against petitioner who was found driving the Battery Control Rickshaw (Musfir Eco) bearing Controller No. ACB0050, Motor No. AMB0050 in a drunken condition giving rise to Chhauradano P.S. Case No. 84 of 2018 dated 09.04.2018 and petitioner was arrested and Battery Rickshaw was seized.

Petitioner claims to be owner of the vehicle and since there is no recovery of any illicit liquor and allegation is driving Rickshaw in a drunken condition as such, Battery Rickshaw is not liable for confiscation and bar of jurisdiction in confiscation under Section 60 of the Excise Act is not applicable, as such concerned Special Court (Excise) can exercise jurisdiction under Section 451 of Cr.P.C for release of the vehicle during pendency of criminal trial.

The writ petition is disposed of with liberty to petitioner to file a petition under Section 451 of Cr.P.C for



release of vehicle before the concerned Special Court (Excise), where the trial of case arising out of Chhauradano P.S. Case No. 84 of 2018 dated 09.04.2018 is pending and the Special Court is directed to dispose of such petition within 30 days from the date of filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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

