

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15561 of 2019

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Munna Singh Son of Tulshi Singh Resident of Village Gosaindih, P.S.
Hunterganj, District-Chatra, Jharkhand, Pin Code-825403.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise and Prohibition Department, Government of Bihar.
2. The Collector cum District Magistrate Gaya.
3. The Superintendent of Excise Gaya.
4. The S.H.O. cum Investigating Officer Sherghati Police Station, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar
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 MR. JUSTICE S. KUMAR)

Date : 26-06-2020

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

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

Petitioner has filed this writ petition for release of his three wheeler (Auto) bearing Registration No. BR02Q4217 Chassis No. MA1LE2FYSB3M88127, Engine No. R1L2049606



which was seized in connection with Sherghati P.S. Case No. 229 of 2016 dated 26.05.2016 for the offence under Section 272, 273 of the Indian Penal Code and Section 47 (a) of the Bihar Excise (Amendment) Act, 2016, on allegation of transporting 5 bags of Mahua flower weighing about 3 quintals.

Counter affidavit has been filed on behalf of respondent in which it has been stated that Superintendent of Police, Gaya has sent proposal for confiscation of said vehicle upon which Confiscation Case No. 94 of 2020 was initiated.

Upon hearing the parties and obtaining legal opinion final order dated 06.02.2020 was passed by the District Magistrate, Gaya with a direction to release the vehicle in favour of registered owner in view of judgement and order passed by this court in CWJC No. 25808 of 2019 (Anand Deo Paswan Vs. State of Bihar).

In view of statement made in the counter affidavit and order dated 06.02.2020 passed by District Magistrate, Gaya relief prayed by the petitioner has already been granted and if petitioner has not yet been handed over possession of the vehicle, he may appear before the S.S.P., Gaya, who shall give necessary direction to concerned officer-in-charge of police station to hand over the possession of



vehicle on due identification and production of ownership documents.

The writ petition is allowed.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

