

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22424 of 2019

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Pravesh Kumar S/o Suresh Prasad, Resident of village- Nazirpur Shekhpur,
P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Muzaffarpur, Dist- Muzaffarpur.
2. The Secretary Excise Department, Govt. of Bihar at Patna.
3. The District Magistrate, Muzaffarpur, Dist- Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur, Dist- Muzaffarpur.
5. The S.D.P.O., East, Muzaffarpur, Dist- Muzaffarpur.
6. The officer in charge, Ahiyapur Police Station, District- Muzaffarpur.
7. Sri Suman Ji Jha, S/o not known, the A.S.I., Ahiyapur Police Station, Dist- Muzaffarpur.

... .. Respondent/s

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Appearance :

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

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

Date : 02-07-2020

Heard learned counsel for the petitioner and learned

counsel for the respondents.

Petitioner has prayed for the following relief:-

“That this writ application is being filed on behalf of

petitioner above named for issuance of a writ in the nature of

mandamus, directing and commanding to the respondents

authority to release the Motor Cycle of the petitioner i.e.

namely Hero Honda Passion Pro bearing its Registration No.

BR-06 AY/8039, Chassis and Engine No.



MBLHAR186HHB20376 and HA10ACHHBA1417, respectively, which has been seized by the Respondent No. 7, in connection with Ahiyapur P.S. Case No. 801/2019, registered u/s 272, 273, 290/34 of I.P.C. and Section 30(a), 34, 36, 38, 41 of Bihar Prohibition and Excise Act, 2016 and for any other appropriate writ/writs, order/orders, Direction/directions.”

It has been submitted by learned counsel for the petitioner that no illicit liquor was recovered from the vehicle in question.

It has been submitted by learned counsel for the State that in case of no recovery of any illicit liquor from the vehicle, the vehicle is not liable for confiscation and same has been decided by the Excise Commissioner, Bihar, Patna, in appeal of confiscation being Case No. 107 of 2019 (arising out of Tariyani P.S. Case No. 184 of 2018) titled as Ajit Rai & Ors Vs. The Collector, Sheohar.

Accordingly, petitioner is directed to file an application before the concerned Special Court (Excise), under Section 451 of Cr.P.C for interim release of the vehicle which has been seized by the police in the case as same is not liable for confiscation and bar of jurisdiction in confiscation under Section 60 of the Excise Act, 2016 will not be applicable and as



such it is the Special Court (Excise), which can pass an order for release of the vehicle, with terms and conditions of release as usually imposed. If any such application is filed by the petitioner same to be disposed of within **30** days from the date of filing of said application.

With the aforesaid observation and direction, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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

