

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24897 of 2019

Sanjay Kumar S/o Ramswrup Prasad Resident of Village- Kharar, P.s.-
Meenapur, distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Excise Commissioner, Patna
2. The Collector Patna
3. The Superintendent of Police Patna
4. The Officer-in-Charge Police station, Alamganj distt.- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav

For the Respondent/s : Mr.Vivek Prasad (Gp7)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-07-2020

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

Petitioner has prayed for following relief:-

“This is an application for issuance of appropriate writ,
order or orders and direction to the respondents to release the
petitioner vehicle Truck (Open Body) Registration No.HR-56A-
5207 (wrongly mentioned as HR-53A & 207 in the FIR and
seizure list) to him by issuing an appropriate writ which has



been seized by the respondent no.4 on 28/03/2018 in connection with Alamganj P.S. Case No.151/2018 dated 28/03/2018 registered under Section 37(c) of Bihar Prohibition and Excise Act, 2016.

Allegation is driving the truck having registration No.HR56A-5207 by the accused driver in a rash and negligent manner and in a drunken condition giving rise to Alamganj P.S. Case No.151/18 under Section 37(c) of Bihar Prohibition and Excise Act and thereafter the truck was seized.

Petitioner claims to be owner of the vehicle and since there is no recovery of any illicit liquor and allegation is driving vehicle in a drunken condition as such, vehicle 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 Alamganj P.S. Case No.151/18 is pending and the Special Court (Excise) is directed to dispose of



such petition within 30 days from the date of filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2020
Transmission Date	NA

