

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22559 of 2019

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Jayanti Singh, Wife of Late Sunil Kumar Singh @ Sunil Singh, resident of A-62, P.C. Colony, Kankarbagh, P.O.- Lohianagar, P.S.- Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Station House Officer, Kankarbagh Police Station, District- Patna.

... .. Respondent/s

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Appearance :

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

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

Date : 02-07-2020

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

Petitioner has prayed for the following relief:-

A) “To issue a writ in the nature of mandamus
directing/commanding the respondents to release Ford FIGO



Motor Car bearing Registration No. BR-01DT-1957 in favour of petitioner which has been seized in connection with Bihta P.S. Case No. 404/2019 registered under Section 37(C) of Bihar Prohibition and Excise Act, 2016 and also under Sections 279, 338 of the Indian Penal Code.

B) Any other relief or reliefs, writ or writs, direction or directions which this Hon'ble Court may deem fit and proper in the facts and circumstances may also be granted.”

FIR was instituted under section Section 279 & 338 of the Indian Penal Code and 37(C) of Bihar Prohibition and Excise Act, 2016, against the driver of the vehicle bearing Registration No. BR-01DT-1957, who was found in a drunken condition while driving the vehicle giving rise to Bihta PS Case No. 404 of 2019.

Petitioner claims to be owner of the vehicle and since there is no recovery of any illicit liquor and allegation is against the driver of 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 Bihta PS Case No. 404 of 2019 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)

ranjan/-

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

