

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17 of 2020

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Laltu Kumar S/o Lakshman Prasad Yadav @ Lakshman Yadav Resident of
Village- Dhandhari, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Patna Division, Patna.
3. The District Collector, Nawada.
4. The Superintendent of Police, Nawada.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

3 07-07-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner has prayed for following reliefs:-

“(I) For release the Galamour
motorcycle bearing registration number BR 27K-
1970, engine no. JA06ERJGC27518 was seized by
the respondent authorities in connection with
Govindpur P.S. Case No. 138/2019 for the offence
registered under Section 37(c) of the Excise Act.”



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)

Sanjay/ranjan-

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