

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24362 of 2019

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Mohammad Mumtaz Son of Md. Eqbal, Resident of Village - Taj Nagar,
Karbala Road, Police Station- Phulwari Sharif, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Prohibition and Registration Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Superintendent of Excise, Patna.
4. The Superintendent of Police, District- Patna.
5. The Officer-in-charge of Rupaspur Police Station, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mazharul Hassan, Advocate
For the Respondent/s : Mr.Kumar Manish (SC-5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 10-01-2020 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner prays for provisional release of
PIAGIO Tempo (Three wheeler) bearing Registration No. BR-
01GH 3495, which has been seized in connection with Rupaspur
P.S. Case No. 325 of 2019 for the offences punishable under
Sections 379, 411/34 of the Indian Penal Code and Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the State clarifies that the seizure
of the vehicle is not by virtue of a special legislation i.e. Bihar



Prohibition and Excise Act, 2016, but the Indian Penal Code.

Statement is accepted and taken on record.

In view of the above, learned counsel for the petitioner states that petitioner be permitted to withdraw the present petition reserving liberty to approach the appropriate Court for release of the vehicle-in-question.

Permission granted clarifying that as and when any such proceedings for release of the vehicle-in-question are initiated, it shall not be open for the prosecutor/authority concerned to contend that the vehicle was seized by virtue of or under the provisions of the Excise Act.

The petition stands disposed of with the liberty/observation/direction aforesaid.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

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