

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.342 of 2020**

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Harendra Sah, Son of Late Yamuna Sah, Resident of Village- Harpur, Police  
Station- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary Department of Excise  
Prohibition, Govt. of Bihar, Patna.
2. The Excise Commissioner Bihar, Patna.
3. The Collector Gopalganj.
4. The Superintendent of Police Gopalganj.
5. The Superintendent of Excise Gopalganj.
6. The District Transport Officer Gopalganj.
7. The S.H.O., Vishambher Pur District- Gopalganj.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Irshad Ahmad Khan, Adv.  
For the Respondent/s : Mr. Vikash Kumar, SC-11

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**and**  
**HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)**

**Date : 14-02-2020**

Heard learned counsel for the parties.

The present writ application has been preferred for  
release of Hero Splendor Plus motorcycle of the petitioner,  
bearing registration no. BR-28V-0216, which has been seized in  
connection with Vishambherpur P.S. Case No. 125 of 2019,  
registered under Section 30(a) of the Bihar Prohibition and



Excise Act, 2016, as amended by Amendment Act 8 of 2018, hereinafter referred to as 'the Act').

The prosecution case, as per the written report of Indra Bhushan Kumar, being the S.I. of Police, submitted to the Station House Officer, Vishambherpur Police Station is to the effect that on 10.10.2019, during patrolling, the motorcycle in question was intercepted and from the same, 600 ml country made liquor were recovered, leading to registration of Vishambherpur P.S. Case No. 125 of 2019.

It is submitted by learned counsel for the petitioner that the petitioner is the registered owner of the vehicle in question and the certificate of registration of the vehicle in question has been brought on record, as Annexure-1. The vehicle in question is rotting under the open sky and there is no likelihood of trial being concluded in near future.

Though the counter affidavit has not been filed, but learned AC to SC-11 submits that confiscation proceeding, vide Confiscation Case No. 582 of 2019 has already been initiated and notice issued by the Collector, Gopalganj, vide order dated 20.12.2019, has been issued to the petitioner, a photo copy of the same has been produced. Let it be kept on record.

Considering the rival submissions of the parties and



fact that the confiscation proceeding has already been initiated, we are not inclined to interfere in the matter. However, it is expected from the Collector-cum-District Magistrate, Gopalganj to conclude the above mentioned confiscation proceeding within a period of six weeks from the date of receipt/production of a copy of this order.

It is expected from the petitioner to appear in the confiscation proceeding on regular basis.

The confiscation of vehicle under the Excise and Prohibition Act, being a stringent Act has a serious civil consequence, hence, it is expected from the Collector of all the Districts of Bihar not to adjourn the confiscation proceedings very frequently or for longer period. Such proceeding should be concluded expeditiously strictly in accordance with the provisions of the Act. It is well settled law that in a stringent law the procedural safeguard should be meticulously followed. It is further expected from the Collector of all the Districts of Bihar that the Confiscation proceedings which have been initiated and the affected persons have appeared, such proceeding be conducted on day to day basis.

Let a copy of the order be transmitted to all the Collector in the State of Bihar.



Accordingly, with the above observation and direction, the present writ application is disposed of.

**(Dinesh Kumar Singh, J)**

**(Anil Kumar Sinha, J)**

Amrendra/-

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