

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2745 of 2018

Arising Out of PS. Case No.-16 Year-2018 Thana- SIWAIPATTI District- Muzaffarpur

Satyanarayan Prasad Son of Harihar Bhagat Resident of Village-Tengrari,P.S.
Siwaipatti,Distt.-Muzaffarpur

... .. Petitioner

Versus

1. The State Of Bihar Through Principal Secretary, Excise Department
Government Of Bihar, Patna
2. The Principal Secretary,Home Department, Govt. of Bihar,Patna
3. The Collector-cum-District Magistrate,Muzaffarpur,Distt.-Muzaffarpur
4. The Officer-in-Charge of Siwaipatti Police Station,Muzaffarpur,Distt.-
Muzaffarpur
5. The Investigating Officer of Siwaipatti P.S. Case No.16/18

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Rajeev Ranjan, Advocate
For the Respondent/s	:	Mr.Vivek Prasad GP7
		Ms. Runa Kumai, AC to GP 7

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-02-2021 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present is seeking release of the
vehicle Mahindra 475 D.1 Tractor bearing registration no.
BR06-GA-5754 Engine No. NJNWL2156 Chasis No.
NJNWL2156 and a Trailer bearing Registration No. BR06GA-
8928 seized in Siwaipatti P.S. Case No. 16 of 2018 dated
25.02.2018 registered for the offences punishable under
Sections 272, 273/34 of the Indian Penal Code and Section
30(A), 38, 41 and 48 of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the



vehicle in question has been seized on mere suspicion and admittedly no liquor has been recovered from the vehicle.

Counter affidavits filed on behalf of respondent no. 3 as well as on behalf of respondent no. 4 have been taken on record.

Learned counsel for the State has submitted before this Court that though the confiscation proposal was made to the District Magistrate, Muzaffarpur, on finding that no liquor has been recovered from the vehicle, now the District Magistrate, Muzaffarpur has vide its order dated 07.01.2021 taken a view that this vehicle is not liable to be confiscated and accordingly a direction has been issued to the Station House officer of the D.M. Court to verify the ownership of the vehicle in the name of the petitioner and release the same.

Having regard to the facts and circumstances of the case, let the petitioner appear before the concerned authority on 1st of March, 2021 with the document of ownership of the vehicle in question and on submission of such document concerned authority shall immediately issue release order of the vehicle in question.

Let it be recorded that once the petitioner appears with the ownership document, he should not be returned and the



appropriate release order be issued as stated hereinabove.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

