

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.3253 of 2018

Arising Out of PS. Case No.-395 Year-2017 Thana- DHANARUA District- Patna

Birendra Kumar Vidyarthi @ Rajiv Kumar @ Rajiv Prasad Son of Naresh
Kumar Resident of Village-Makhdumpur,P.s. Dhanaryua,Distt.-Patna

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise, Government of Bihar, Patna
2. The Principal Secretary, Excise, Govt. of Bihar, Patna
3. The District Magistrate, Patna
4. The Senior Superintendent of Police, Patna
5. The Superintendent of Police Rural, Patna
6. The Excise Superintendent ,Department of Excise, Patna
7. The Officer-in-Charge of Dhanarua P.S. Distt.-Patna
8. The Assistant Director, Distt.-Mines Office,Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Advocate
For the Respondent/s : Mr.Kumar Pankaj, SC-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-02-2021 Learned counsel for the petitioner submits that the Tractor and Trailer in question have already been ordered to be released as back as on 06.12.2017 by the learned S.D.J.M. Masaurhi, however the Tractor and Trailer have not been released by the concerned police station.

Learned counsel further submits that no illicit liquor has been recovered from the vehicle in question and no confiscation proceeding as regards the vehicle has been initiated.

Learned counsel for the State submits that in case no



recovery of illicit liquor has been made from the vehicle, the S.H.O. of the concerned police station would be competent to release the vehicle in question, if the petitioner approaches the concerned S.H.O. If any illicit liquor has been recovered from the vehicle, in that case only a confiscation proceeding may be initiated but in this regard he has no instruction as on today.

In the aforesaid view of the matter, this writ application is being disposed off with a liberty to the petitioner to be present before the S.H.O., P.S. - Dhanarua, District – Patna within a period of one week from today. If it is found that no confiscation proceeding has been initiated against the said vehicle, the S.H.O. Dhanarua shall release the vehicle after being satisfied with the ownership of the vehicle in favour of the petitioner, such release shall be done immediately on the same day.

In case any liquor has been recovered from the vehicle and a proposal for confiscation has been sent to the concerned District Magistrate, the petitioner may seek his remedy before the District Magistrate (respondent no. 3) within two weeks from today either himself or through his learned Advocate with an appropriate application, and on such appearance respondent no. 3 or any person authorized by him



shall act in terms of the Hon'ble Division Bench judgment of
this Court passed on 04.01.2021 in **CWJC No. 9565 of 2020**
(Surendra Choudhary Vs. The State of Bihar & Ors.).

This Writ Application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

