

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6038 of 2021

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Rajeshwar Prasad @ Rajeshwer Prasad Son of Medani Gop, Resident of
Village - Basobagi, P.S. Barh, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Superintendent of Police, Nawada.
4. The S.H.O., Narhat Police Station, District - Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Mrigendra Kumar, Advocate
		Mr. Hans Raj, Advocate
For the Respondent/s	:	Mr. Kumar Manish, S.C. 5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 28-05-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“For issuance of an order/orders, writ/writs,
direction/directions commanding the respondents
authority to release the TATA SFC 407EX2/31,
WB BS III bearing Registration No. BR 01GF
8740, Chassis No. MAT455043H8B03029 and
Engine No. 497SP67BSY 604093 belonging to
the petitioner which has been seized by the police
in connection with Narhat P.S. Case No.



259/2020 dated 01.11.2020 instituted for the offences under Sections 279, 337, 338, 427 of the Indian Penal Code and Section 37(b)(c) of the Bihar Prohibition and Excise Act 2016 as contained in Annexure-1 to the writ application, pending in the court of learned Addl. District and Sessions Judge-2nd-cum-Special Judge (Excise), Nawada.”

Allegation against driver of the seized vehicle is driving the vehicle in a rash and negligent manner in a drunken condition causing damage to Govt. property giving rise to Narhat PS Case No. 259 of 2020 dated 01.11.2020 instituted for the offences punishable under Sections 279, 337, 338 and 427 of IPC and Section 37(b) (c) of Bihar Prohibition & Excise Act, 2016.

As there is no allegation of recovery of any illicit liquor from the seized vehicle, same is not liable for confiscation under section 56 of the Bihar Prohibition & Excise Act, 2016 and the Special Court (Excise) where the criminal case is pending has jurisdiction to pass order of release of seized vehicle.

Writ petition is disposed of with liberty to petitioner who is owner of the vehicle to file an application under Section 451 of Cr.P.C for release of his vehicle in the concerned Special Court (Excise) who shall dispose of such



petition within 30 days from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

