

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5219 of 2021

Mr. Sumit Kumar, Son of Sri Akhilesh Kumar, Resident of Village - Sonama,
Sonawan Kothia, P.S. Didarganj, District- Patna, Bihar- 800009.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Old Secretariat, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The Collector-cum-District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Police, Patna West, Patna.
6. The Station Head Officer, Danapur Police Station, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Apurv Harsh, Advocate
For the Respondent/s : Mr. Vivek Prasad (GP-7)

(The proceedings of the Court are being conducted through Video Conferencing and the
Advocates joined the proceedings through Video Conferencing from their residence.)

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

Date : 16-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(I) For issuance of appropriate writ/order directing the respondent authorities for release of the Maruti Desire Car bearing Registration No. BR01EJ9395 which has been seized by the Police in Danapur (O.P.) P.S Case No. 759 of 2020 dated 27.12.2020, Spl. Case No. 7684/20 pending before the court of Special Judge Excise, Patna, registered for offences punishable under section 30(A), 37(B) of Bihar



Prohibition & Excise Act, 2016.

(II) For issuance of appropriate writ(s), order(s), or direction(s) directing the Respondent to take no coercive measure against the Petitioner in connection with the P.S. Case No. 759 of 2020 dated 27.12.2020, Spl. Case No. 7684 of 2020 pending before the court of Special Judge Excise, Patna, registered for offences punishable under section 30(A), 37(B) of Bihar Prohibition & Excise Act, 2016.

(III) For any other relief or reliefs to which the Petitioner is entitled in the facts and circumstances of the case.”

It is submitted that no illicit liquor was recovered from the vehicle, as such seized vehicle is not liable for confiscation. Allegation against driver of the seized vehicle is to be found in a drunken condition and petitioner is the owner of the seized vehicle.

It has been further submitted that seized vehicle is not liable for confiscation under Section 56 of the Excise Act, as such, bar of jurisdiction in confiscation under section 60 of the Excise is not applicable and the special court excise has jurisdiction to pass order for release of seized vehicle during pendency of trial.

Petitioner would be at liberty to file a petition before the special court excise under section 451 of Cr.P.C. and if any such petition is filed for release of vehicle the special court excise shall dispose of such petition within 30 days from the



date of its filing.

Petition stands disposed of with the aforesaid observations/directions.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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

