

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6821 of 2021

=====

Rajesh Rawat S/o Sanchit Rawat R/o - Vill. - Kerwan, P.S. - Ishuapur, Dist.. -
Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
3. The Excise Commissioner, Department of Excise and Prohibition, Government of Bihar, Patna.
4. The District Magistrate cum District Collector, Saran.
5. The Superintendent of Police, Saran.
6. The Station House Officer, Police Station Masharak, District- Saran at Chapra.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar, Advocate
For the Respondent/s : Mr.Vivek Prasad (G.P. 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 : 22-06-2021

Heard the Parties.

Petitioner has prayed for following relief(s):-

“That this is an application for issuance of appropriate writ/writs, direction / directions and writ in the nature of mandamus



commanding the respondents to release Passion Pro motorcycle bearing no. BR 06 BD — 5390 which has been seized in connection with Masharak P.S. Case No. 701/2020 dated 26.12.2020 under section 37 (C) of Bihar Prohibition and Excise Act, 2016.”

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

