

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7268 of 2021

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Ravi Bhushan Kumar Son of Tej Narayan Singh resident of village- Bakhari
Mahesh, Police Station- Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary of Excise Department,
Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Collector, Buxar
4. The Superintendent of Police, Buxar
5. The Officer in Charge of Buxar Town Police Station, Buxar

... .. Respondent/s

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

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Adv
For the Respondent/s : Mr. Kumar Manish SC-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 : 21-06-2021

Heard learned counsel for the petitioner and learned
counsel for the respondents.

Petitioner has prayed for the following relief:-

“For issuance of appropriate writ/ writs/
direction/ directions, order/orders specially in the nature of
mandamus with a direction upon the respondents to hand
over the petitioner’s motorcycle Royal Enfield (Bullet)
bearing Registration No. BR-01 EH-7492, Engine No.
U3S5C1KDO41442, Chassis No. ME3U3S5C 1KD
452749.”



Learned counsel for the petitioner submits that nothing has been recovered from his motorcycle and no confiscation proceeding has been initiated till date.

As there is no allegation of recovery of any illicit liquor from the seized motorcycle, 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 motorcycle.

Writ petition is disposed of with liberty to petitioner who is owner of the motorcycle to file an application under Section 451 of Cr.P.C for release of his motorcycle 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)

ranjan/-

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

