

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7807 of 2021

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Jaimangal Bind, Son of Ram Pravesh Bind, resident of village and Post-Karma Pandey, P.S.- Pauthu, Ghonta, District- Aurangabad, Bihar-824129.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, New Secretariat, Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Officer in Charge, Madanpur, Police Station, Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P.-7

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

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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

Date : 24-06-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“That this writ application has been filed for a direction to the respondents authorities to release the vehicle, i.e. Registration No. BR-26-PA 3407 and engine No. is VA16C16281 or Chesis No. MAAIFV2VARJ6C31892 in favour of the



petitioner which has been seized by the respondent in connection with Madanpur Police Case No. 16/2021, registered u/s. 279, 337, 427 of the I.P.C. & 37(B)(C) of the Bihar Prohibition and Excise Amendment Act 2018.”

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 who is also 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. for release of seized vehicle and if any such petition is filed for release of seized 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

