

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9444 of 2021

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Anita Devi Wife of Harishchandra Mahto Resident of Pipradih, P.S.- Pipra Kothi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
2. The District Magistrate East Champaran at Motihari.
3. The Superintendent of Police East Champaran at Motihari.
4. The Station House Officer Pipra Police Station, District- East Champaran.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv
For the Respondent/s : Mr. 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 : 05-07-2021

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

Petitioner has prayed for the following relief:-

“That this writ application is being filed for
issuance of a writ in the nature of Mandamus directing the
concerned court below to release the vehicle Bolero bearing
registration no. BR06PD-3592 (wrongly entered in the FIR
as BR06P-3592) Engine No. GHH4B69847, Chasis no.



MA1XJ2GHKH5B46797 seized in the connection with Pipra P.S Case No. 64 of 2021 registered under section 279, 337, 338, of IPC and 37(b)(c) of the Bihar Prohibition & Excise Act, 2018 in favour of the petitioner and further for any other appropriate writ, writs order/orders direction/directions for which the petitioner is entitled to in the facts and circumstances of the case.”

Allegation against driver of the seized vehicle is driving the vehicle in a rash and negligent manner in a drunken condition causing accident giving rise to Pipra P.S Case No. 64 of 2021 instituted for the offences punishable under Sections 279, 337 and 338 of IPC and Section 37(b) (c) of Bihar Prohibition & Excise Act, 2018.

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

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

ranjan/-

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

