

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9859 of 2020

=====

Saket Khetan, Son of Krishna Murari Khetan, Resident of Mohalla- New
Colony, Gandhi Chowk, Police Station- (Chapra) Town, Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Department,
Government of Bihar at Patna.
2. The District Magistrate Saran at Chapra.
3. The Superintendent of Police Saran at Chapra.
4. The Sub- Divisional Officer Sadar, Saran.
5. The Officer In-charge Chapra Town Police Station, Saran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. (Dr.) Rajesh Kumar Singh, Advocate

For the Respondent/s : Mr. Vikash Kumar, SC-11

=====

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

Date : 18-01-2021

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

Petitioner has prayed for the following relief:-

“That this is an application being filed for
issuance of appropriate writ or writs, direction of
directions, order or orders commanding the competent



authorities to release the Royal Enfield Bullet Motory Cycle bearing Registration No.BR04W8055, Chassis No. ME3U3S5C1HE121201, Engine No. U3S5C1HE038901 in favour of the petitioner which has been seized in connection with Town (Chapra) P.S. Case No.748 of 2019.”

It is alleged that on the basis of secret information to the effect that one Shyam Babu Mahto and his family members are indulged in the trade of illicit liquor, his house was raided from where total 677.490 litres of Indian Made Foreign Liquor was recovered and a Bullet motorcycle bearing Registration No. No.BR04W8055 was seized, leading to registration of Town (Chapra) P.S. Case No. 748 of 2019 for the offences punishable under Sections 30(a), 41(i) (ii) of the Bihar Prohibition & Excise Act, 2018.

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)

(Prabhat Kumar Singh, J)

Anil/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2021
Transmission Date	

