

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11738 of 2021

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Shyam Saw Son of Late Ramchandra Sav Resident of Rashtriya Ganj, Kotar
Mil Colony, Phulwari, P.S.- Phulwari Shareef, District- Patna- 801505

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna
2. The District Magistrate, Patna
3. The Superintendent of Police, Patna
4. The Station House Officer, Police Station, Danapur, Patna
5. The Investigating Officer of Danapur P.S. Case no. 818/2017

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Saket Anand Chhaya Kirti, Ajay Kumar, Abhay Kumar, Advocates
For the Respondent/s	:	Mr.Kumar Manish (Sc5)

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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 : 20-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s) :-

“For issuance of appropriate writ(s), order(s),
direction(s) in the nature of mandamus directing and
commanding the respondent authorities to release the
vehicle the TVS MOPED bearing registration No.
BHR1BVA-6724 Danapur P.S. Case No. 818 of 2017
registered under Section 37(b) of Bihar Prohibition and
Excise Act, 2016.”



A. Any other relief(s) for which the petitioner is found entitled to.”

Petitioner claims to be owner of the motorcycle and as there was no recovery of any illicit liquor from said motorcycle, seized motorcycle is not liable for confiscation and bar of jurisdiction in confiscation under Section 60 of the Excise Act is not applicable and the Special Court (Excise) where the excise case is pending has jurisdiction to pass an order for release of the motorcycle.

The writ petition is disposed of with liberty to petitioner to file a petition under Section 451 of Cr.P.C. for release of the motorcycle and the Special Court (Excise) where the excise case is pending is directed to dispose of such petition within 30 days from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.07.2021
Transmission Date	NA

