

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11995 of 2021

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Ramchandra Rai S/o Kokil Rai, R/o Village Kurshid Dumari, P.S. Jamobazar,
District - Saran at present 16/1, B.T. Road, Cossipore, Kolkata West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise and Prohibition Department, New Secretariat, Patna.
2. The District Collector, Saran.
3. The Superintendent of Police, Saran.
4. The S.H.O. Khaira (Nagra) Police Station Saran.
5. The Junior Electric Engineer Electric Supply, Branch, Nagra, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P. 7

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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.)

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

Date : 20-07-2021

Heard learned counsel for the Parties.

Petitioner has prayed for following relief(s):-

“That this writ application is being filed on behalf of the petitioner for direction to release of a vehicle bearing Registration No. WB23D0352, Chassis No. MAT466420E3GL6085, Engine No. 41G63386752, Model No. Tata LPT311BKbtc which has been seized by the Khaira (Nagra) police station Saran in connection with Excise Prohibition Act and Motor Vehicle Act instituted U/s 185 M.V. Act and 37 (b)(c), Bihar Excise Prohibition Act, and/or for issuance of an appropriate writ(s), direction(s), order(s) as it may deem fit and proper your lordships.”

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 and petitioner is 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. and if any such petition is filed for release of vehicle the special court excise shall dispose of such petition within 30 days from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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

