

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10784 of 2020

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Navnit Kumar, S/o Late Ramji Prasad Singh, Resident of Kanti Factory More,
Mahatma Gandhi Nagar, Kankarbagh, P.S. Patrakar Nagar, Patna-800020.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Registration,
Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The Station Head Officer, Dhanarua Police Station, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate
For the Respondent/s : Mr. Kumar Manish, S.C. 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 : 24-03-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“(i) for setting aside one of
the condition of the order dated
22.06.2018 in connection with
Confiscation Case No. 80/2018-19
whereby and whereunder the learned
court of District Magistrate has
assigned one of the condition that the
concerned vehicle can't be transferred
to any other one during the pendency
of Dhanarua P. S. Case No. 118/2018.

(ii) Grant of any other
incidental or consequential relief or
reliefs for which the petitioner can be



found entitled for.”

Seizure of vehicle under Excise Act for carrying illicit liquor gives rise to, two independent proceedings in which Police/Excise Officers after institution of FIR, investigate the matter and submit charge sheet before the Special Court (Excise), if the charges are proved against the accused under different sections of Excise Act, separate punishment and sentence have been provided.

Another proceeding is initiated by the District Collector or any empowered authority for confiscation of seized vehicle for which notice is send to the owner of the seized vehicle, who may be or may not be accused in Excise matter and if District Collector finds that seized vehicle was involved in transportation of illicit liquor, said vehicle is confiscated under Section 58 of the Excise Act and is put on public auction.

In present case, the seized vehicle was not liable for confiscation under Section 56 of the Excise Act as no illicit liquor was recovered from the seized vehicle and it was a case of drunken driving, as such, the District Collector has rightly dropped the confiscation case initiated against the owner of the seized vehicle, however, once the proceeding has been dropped, no conditions can be imposed by the District Collector and



accordingly, said condition is set aside.

However, since the FIR has been registered under Section 37(b) and (c) of the Excise Act and trial is pending before the Special Court (Excise) in which the damaged seized vehicle may be material exhibit, same can be released by Special Court (Excise) pending trial. As seized vehicle has already been released by this Hon'ble Court by order dated 23.04.2018 passed in C.W.J.C. No. 7472 of 2018 pending finalization of the criminal case no further order is required to be passed in this case.

The writ petition is allowed to the extent as indicated above.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2021
Transmission Date	NA

