

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9812 of 2020

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Arun Kumar, Son of Dasai Raut resident of village- Budhuapur, Ward No. 8,
P.s.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise department,
Government of Bihar, Patna
2. The District Magistrate, Sitamarhi
3. The Superintendent of Police, Sitamarhi
4. The Superintendent of Excise, Sitamarhi
5. The Excise Inspector, Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-01-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

"For issuance of an appropriate writ in the nature of mandamus directing and commanding the respondents authorities to release three wheeler (passenger) bearing Registration No. BR30PA2668 in connection with C2-07/20 in favour of the petitioner, whereby and whereunder the respondents authorities have seized Nepali liquor 108 liters and Rs.20,500/- and for any other relief/reliefs as your Lordship may fit and proper."

Informant is a police officer who has alleged in his self-statement that on 02.01.2020 B COY, 20Bn, SSB handed over petitioner to him who was arrested with illicit liquor and cash of



Rs. 20,500/-, for which case bearing no. C2-07/20 was instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As there is no allegation of recovery of any illicit liquor from the seized three wheeler, the seized three wheeler and cash of Rs. 20,500/- are not liable for confiscation under section 56 of the Bihar Prohibition & Excise Act, 2016 and the Special Court (Excise) where the case is pending has jurisdiction to pass order of release of seized vehicle and cash.

Writ petition is disposed of with liberty to petitioner who is the owner of the vehicle to file an application under Section 451 of Cr.P.C for release of his truck and seized cash, in the concerned Special Court (Excise), who shall dispose of such petition within 30 days from the date of its filing.

(Sanjay Karol, CJ)

(Anjani Kumar Sharan, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.01.2021
Transmission Date	NA

