

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.577 of 2021

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Rahul Kumar Rai @ Rahul Rai, Son of Jang Bahadur Rai, Resident of
Village-Kamta, Police Station-Baniyapur, District-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition, Excise and Registration Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Prohibition Excise and Registration Department, Govt. of Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Officer-in-Charge, Chapra Town P.S., Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash, Advocate
For the Respondent/s : Mr. Vivek Prasad G.P-7

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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 : 12-07-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) For issuance of writ in the nature of mandamus or any other appropriate writ for directing the respondents to release the Scorpio vehicle bearing registration no. BR 04V 0009, Chassis No. MA1TA2WGXH2B26471, Engine No.



WGH4B22002 in favour of petitioner as the same has been seized in connection with Chapra Town P.S. Case No. 782 of 2019 registered under sections 37(a)(b) of the Bihar Prohibition and Excise Act, 2018.

(ii) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper I the facts and circumstances of the case.”

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.

Petition stands disposed of with the aforesaid observations/directions.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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

