

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.681 of 2021

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Manish Kumar, son of Late Vijay Singh, Resident of Village- Tendua, P.S.-
Kargahar (Barahari O.P.), District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate-cum- Collector, Rohtas, District- Rohtas.
4. The Superintendent of Police, Rohtas, District- Rohtas.
5. The S.H.O., Kargahar (Barahari O.P.) Police Station, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate
For the Respondent/s : Mr. A.C. to A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 25-03-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

- I. To issue an appropriate writ(s)/order(s)/direction(s) in the nature of a writ of mandamus direction the respondent District Magistrate to release the seized vehicle of the petitioner bearing its Registration No. BR-24X-2519 which was already been seized by the police officials under the Kargahar (Barahari O.P.) P.S. Case No. 319/18 dated 14.08.2018 registered punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.
- II. To grant any other relief or reliefs for



which the petitioner is found to be entitled in the facts and circumstances of the case.”

As there is no recovery of any illicit liquor from the seized motorcycle, as such, same is not liable for confiscation under Section 56 of the Excise Act and the bar of jurisdiction in confiscation under Section 60 will not be applicable and the Special Court (Excise), where the excise case is pending has jurisdiction to pass order for release of vehicle during pendency of trial on usual terms and conditions as imposed for release of seized vehicle.

The writ petition is disposed of with liberty to petitioner to approach the Special Court (Excise) where the excise case is pending and file a petition for release of his vehicle during pendency of trial and the Special Court (Excise) shall disposed of such petition within 30 days from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2021
Transmission Date	NA

