

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15470 of 2021

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Vijay Kumar Jaiswal S/O Late J.P. Jaiswal Resident of F. No. 103, B.S. Plaza,
South Chitra Gupta Nagar, Kankarbag, Patna, P.S. - Kankarbag, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
New Secretariat, Patna-1, District- Patna.
2. The District Magistrate, Patna, District- Patna.
3. Senior Superintendent of Police, Patna, District- Patna.
4. The officer in Charge of Naubatpur Police Station, Patna, District- Patna.
5. The Investigating Officer, Naubatpur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ravindra Kumar Sinha, Advocate
For the Respondent/s	:	Mr.Kumar Manish (Sc5)
		Mr. Prashant Kumar, Ac to SC 5

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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 : 14-09-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“This writ application is being filed in the nature of writ of mandamus directing the respondent authority to release the vehicle (car) of the petitioner bearing registration no.BR-01-AT-5342, which was seized in connection with Naubatpur P.S. Case No.239/2021 dated 10.05.2021 for the offences punishable under Sections 279/337/338/427 of Indian Penal Code and Section 37(b) (c) of Bihar Prohibition and Excise Act 2016 and for issuance of any appropriate writ or writs, order or orders, direction or directions as your Lordships may deem fit and proper.”

Allegation against driver of the seized vehicle is

driving the vehicle in a rash and negligent manner in a drunken condition causing accident giving rise to Naubatpur P.S Case No. 239 /2021 dated 10.05.2021 instituted for the offences punishable under Sections 279, 337, 338 and 427 of IPC and Section 37(b) (c) of Bihar Prohibition & Excise Act, 2016.

As there is no allegation of recovery of any illicit liquor from the seized vehicle, same is not liable for confiscation under section 56 of the Bihar Prohibition & Excise Act, 2016 and the concerned Special Court (Excise) where the criminal case is pending has jurisdiction to pass order of release of vehicle.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.09.2021
Transmission Date	NA