

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16166 of 2021

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Arun Singh, Son of Shiv Sharan Singh, Resident of Village- Nizampur, P.S.
Fatwah, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum- Collector, Arwal.
3. The Assistant Commissioner, Excise, Arwal.
4. The Superintendent of Police, Arwal.
5. The Station House Officer, Arwal Police Station, District- Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP-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 : 21-09-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) For issuance of nature of Mandamus commanding the respondents to release the 709 SFe. Mini Truck bearing Registration No. BR06G-4901, Engine No. 497TC94GQ2826102, Chasis No. MAT 38655598G19629 of the petitioner which

has been seized in connection with Excise Case No. 639/2021, arise out in Arwal P.S. Case No. 212/2021 dated 27.07.2021 registered under Sections 2E/3/5/13 of the Bihar Mahua Flower Act, 2006 and under Section 30(c) of the Bihar Excise and Prohibition Amendment Act, 2018.”

It is submitted that no illicit liquor was recovered from the vehicle and in fact 2300 Kg of Mahua Flower was recovered from the vehicle of petitioner. Seized Mahua Flower does not comes within the definition of intoxicant under Excise Act, as such seized vehicle is not liable for confiscation.

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)

veena/rajiv-

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