

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17019 of 2021

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Harpreet Singh, C/o of Karnail Singh, resident of Village-Phagwala, P.O.-
Bhwanigarh, P.S.-Phaguwala, District-Sangrur, Punjab.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. Assistant Police Inspector Shripur O P under Kuchaicote Police Station, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, 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)

Date : 03-12-2021

Heard learned counsel for the parties.

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

“1. That this is application for issuance of a writ in the nature of Mandamus or any appropriate writ's, order's, direction's commanding the respondents for direction to release the Bus bearing registration No. PB 11 CW 9177 in favour of the petitioner which has been seized in Kuchaicote P.S. Case No. 351/21 dated 22.08.21 under Section 30(a) of Bihar Prohibition and Excise Act, 2016.”

Informant is a Police Officer, who has alleged in FIR that on 22.08.2021 while he was checking the vehicle coming from Uttar Pradesh, when a bus bearing registration no. PB 11 CW 9177 came, which was stopped and while luggage of

passengers were being checked, driver and co-driver, who were from Punjab, tried to flee away, however, they were apprehended, who disclosed that in the dickey of bus, illicit liquor was kept in two bags and thereafter 38 bottles of foreign liquor measuring 28.500 litres were recovered from two bags and thereafter the recovered illicit liquor as well as bus were seized, giving rise to Kuchaicote P.S. Case No. 351/21 under Section 30(a) of Bihar Prohibition and Excise Act, 2016 and both drivers were arrested.

Petitioner claims to be owner of the seized bus which is a passenger bus having valid route permit from Patiala to Purnea and was carrying passengers alongwith their luggage and had no information that illicit liquor were kept in two bags in the dickey of the bus.

Petitioner is the owner of Fatehgarh Sahib Bus Service under which several buses are running but till date there is no complaint against any bus of the company. The present bus is also running from Patiala to Purnea on a permit issued by the Regional Transport Commissioner, Patiala and is running on said route since long time but there is no complaint with regard to involvement in any unlawful activities and there is neither any involvement of petitioner nor he had any knowledge about

it.

In facts and circumstances of present case, the District Magistrate/Confiscating Authority, Gopalganj, is directed to provisionally release the seized bus in favour of the petitioner, who claims to be the registered owner of the seized bus on submitting the ownership and registration document of the bus and on furnishing bank guarantee of the value as indicated in the insurance document of the bus and further furnishing and undertaking that no 3rd party right will be created on the bus during pendency of confiscation proceeding.

The release of the bus shall be allowed within a period of 14 days from the date of furnishing of bank guarantee and the undertaking as stated above, which would however be subject to final outcome of the confiscation proceeding

With aforesaid observations and direction the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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CAV DATE	
Uploading Date	
Transmission Date	