

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2649 of 2021**

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Rakesh Kumar, S/o Bindeshwari Yadav @ Bindeshwari Yadav, resident of Mohalla - Hariwatika Pokhara, P.S. - Bettiah Muffasil, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, West Champaran at Bettiah.
4. The Superintendent of Police, Bettiah, West Champaran.
5. The Officer-In-Charge, Bettiah Town Police Station, Bettiah, District- West Champaran.
6. The Investigating Officer, Bettiah Town P.S. Case No. 906/2019, Bettiah Town Police Station, Bettiah, District- West Champaran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate  
For the Respondent/s : Mr. Kumar Manish, S.C. 5

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

**Date : 26-03-2021**

Heard the parties.

Petitioner has prayed for following relief(s):-

- “A. For issuance of a writ in the nature of mandamus or any other appropriate writ, order/s, direction commanding the respondents to release the Tata Truck of the petitioner bearing Registration No. BR-06GA/0485 which has been seized in connection with Bettiah Town P.S. Case No. 906/2019 registered u/ss. 279/427 I.P.c. and 37(C) of the Bihar Prohibition and Excise Act.
- B. For any other relief/s to which the



petitioner is found entitled to.”

As there is no allegation of recovery of any illicit liquor from seized vehicle and allegation is against driver and cleaner of driving the vehicle in a rash and negligent manner and in a drunken condition, as such, the seized vehicle is not liable for confiscation under Section 56 of the Excise Act and bar of jurisdiction in confiscation under Section 60 of the Excise Act will not be applicable and the Special Court (Excise) where the excise case is pending has jurisdiction to pass order of 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) for release of his vehicle and the Special Court, Excise shall disposed of such petition within 30 days of its filing.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

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| <b>AFR/NAFR</b>          | NAFR       |
| <b>CAV DATE</b>          | NA         |
| <b>Uploading Date</b>    | 04.04.2021 |
| <b>Transmission Date</b> | NA         |

