

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3228 of 2021

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Ranjay Kumar Son of Shri Sikandar Gope Resident of Village- Baldha
Damodarpur, P.S.- Nagarnausa, District- Nalanda, at present C/o Shyam
Kishore Bari Pahari, P.S.- Agamkuan, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Excise,
Government of Bihar, Patna
2. The District Magistrate-cum-Collector, Patna Patna
3. The Senior Superintendent of Police, Patna Patna
4. The Superintendent of Police, Rural, District- Patna
5. The Station House Officer, Gopalpur Police Station, Patna District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate
For the Respondent/s : Mr. Kumar Manish, 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)

Date : 04-03-2021

Petitioner has prayed for following reliefs:-

A) To issue a writ in the nature of mandamus directing / commanding the respondents to release Piaggio Ape Auto R Tempo vide Registration No. BR-01PC 9492, in favour of petitioner which has been seized in connection with Gopalpur P.S. Case No.234/2020 registered under Section 37(b)(c) of Bihar Prohibition and Excise Act, 2016 and also under Sections 341/323/504/427/279/34 of the Indian Penal Code.

B) Any other relief or reliefs, writ or writs, direction or directions which this Hon'ble Court may deem fit and proper in the facts and circumstances may also be granted."

Allegation against petitioner is driving his tempo in a rash and negligent manner and in drunken condition. The tempo of petitioner dashed against the Scorpio of informant. It is further alleged that petitioner abused informant in a drunken



condition.

As there is no recovery of any liquor from the tempo of petitioner and allegation is driving the vehicle in a drunken condition, as such, the 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 an order 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 seized vehicle and the Special Court, Excise shall dispose of such petition within 30 days of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.03.2021
Transmission Date	NA

