

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20390 of 2021

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Chandan Kumar, Son of Rajendra Yadav, Ward No. 6, Village Mangarwara,
P.S.- Srinagar, Dist.- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Excise Commissioner Prohibition Excise and Registration Department Government of Bihar Patna.
3. The District Collector Madhepura.
4. The Senior Superintendent of Police, Madhepura.
5. The Superintendent of Excise and Prohibition Madhepura.
6. The Inspector of Excise, Madhepura.
7. The Asst. Sub Inspector of Excise, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Goutam, Advocate
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 23-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For issuance of appropriate writ/writs,
order/orders, direction/directions to the respondent
authorities to release the Red Colored Mahindra Bolero
Neo N4 Vehicle bearing registration No.BR11PC-6386,
Engine No.XJM6G52659, Chassis
No.MA1NA2XM6G32110 in favour of the petitioner,
which has been searched and seized by the Asst. Sub
Inspector of Excise, Madhepura, in connection with
Madhepura Excise Case No.182/2021 on 12-10-2021 for
the offence u/s 30(a) of the Bihar Prohibition and Excise



Act 2018 (Amended) (herein after will referred as the Act 2018) due to recovery of “750 ml. Imperial Blue Hand Picked Grained Whiskey under the chair from the middle seating area of the vehicle” and / or for any other relief or reliefs to which the petitioner may be found entitled in course of hearing of this writ application.”

Allegation is recovery of 750 ml. of illicit liquor from the seized vehicle giving rise to Madhepura Excise Case No.182/2021 for the offence u/s 30(a) of the Bihar Prohibition and Excise Act 2018.

Petitioner claims to be the owner of the said vehicle and only 750 ml. illicit liquor has been recovered. It is further submitted that petitioner had no knowledge about illicit liquor being kept in his vehicle.

In the facts and circumstances of the case, the concerned District Magistrate/Confiscating officer, Madhepura is directed to initiate confiscation proceeding, if not already initiated and provisionally release the vehicle of petitioner after due identification of ownership of the vehicle which was seized by the police in excise case on production of ownership and registration papers with respect to vehicle in question in his name with two sureties (one local) to the extent of the value of the vehicle as indicated in the insurance document.

The petitioner while submitting the sureties shall also



furnish the following affidavits/undertakings:

(i) That the petitioner shall not indulge in creating any third party right or interest in respect of the vehicle during the pendency of the confiscation proceeding and shall not alienate the vehicle during this period.

(ii) The petitioner shall furnish an undertaking to produce the vehicle before the confiscating authority as and when required.

(iii) Prior to release of the vehicle, a Panchanama would be prepared wherein the photograph of the vehicle shall be taken and will be certified by the petitioner and same shall be kept on record so that in future if so required, it may be used as a secondary evidence. The petitioner shall furnish an undertaking not to challenge the said Panchanama.

The release shall be allowed within a period of 14 days from the date of submission of the sureties and the undertakings as stated above, which would however be subject to finalization of the confiscation proceeding.

With said observations and direction, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/-PKP

AFR/NAFR	
CAV DATE	
Uploading Date	02.01.2022
Transmission Date	

