

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20705 of 2021

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Santosh Kumar Singh Son of Fateh Bahadur Singh Resident of Village
Hajauli, P.S. Garhwar, District Balia (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The S.H.O., Brahmpur (Nainijore) P.S., District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyapal Singh, 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 : 23-12-2021

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

1. That this writ petition is being filed for issuance of a
direction/order or an appropriate writ for directing the
respondent authorities to release the Scorpio Vehicle
bearing its Registration No. DL-8CAC-1907, Chassis
No. MA1TH2MXNE2F47720 and its and Engine No.
MXE4F20177, which has been seized in Brahmpur
(Nainijore) P.S. Case No. 608 of 2021 for the offence



U/S 30(a) of Bihar Prohibition of Excise Act, 2018 for recovery of 375 ml. foreign liquor from the alleged Scorpio vehicle.

Allegation is recovery of 375 ml. of illicit liquor from the seized vehicle giving rise to Brahmpur (Nainijore) P.S. Case No.608 of 2021 registered for the offences under section 30 (a) of the Bihar Prohibition and Excise Act. 2018.

Petitioner claims to be the owner of the said vehicle and only 375 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, Buxar 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	

