

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20802 of 2021

Ajay Pal Singh, Son of Lakhpatt Singh Resident of Village - Azadnagar Gali
No. 2, P.S. Baradri, District- Bareilly (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department Government of Bihar, Patna.
3. The Divisional Commissioner, Excise Department, Patna Division, Patna.
4. The District Collector, Kaimur at Bhabhua.
5. The Superintendent of Police Kaimur at Bhabhua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Jha, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-12-2021

Heard learned counsel for the parties.

The petitioner has prayed for the following relief/s :-

(1) For release of the Maruti Suzuki
Wagon R bearing Registration No.GP-
25DF-0201 which was seized by the
Respondent authorities in connection
with Mohania M.S. Case No.414/2021
for the offence registered under
Section 30(a) of the Bihar Prohibition
and Excise Act.
And/ or
To grant any other relief or reliefs
to which the petitioner is entitled
in the facts and circumstances of
the case.

Allegation is recovery of 950 ml. of illicit liquor



from a car wherein two persons were travelling including the petitioner giving rise to Mohania PS Case No. 414 of 2021 under sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

Petitioner claims to be the owner of the said vehicle and only 950 ml. illicit liquor has been recovered. It is further submitted that petitioner being the Army personnel has purchased the said liquor from the Army Canteen at Ranchi. It is further submitted that no confiscation proceeding has been initiated till date.

In the facts and circumstances of the case, the **concerned District Magistrate/Confiscating officer, Kaimur at Bhabhua** 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	24.12.2021
Transmission Date	

