

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.624 of 2022

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Kishore Kumar @ Kishor Kumar Son of Prabhu Narayan, Resident of Village - Ashram Road, Ward No. 10, Police Station - Raxaul, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The Excise Commissioner, Govt. of Bihar, Patna.
3. The District Magistrate Cum Collector, East Champaran, Motihari
4. The Superintendent of Police, East Champaran, Motihari.
5. The Excise Superintendent, East Champaran, Motihari
6. The Officer in Charge, Raxaul, Police Station, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate
For the Respondent/s : Mr.Vikash Kumar (S.C.11)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 01-04-2022

Heard learned counsel for the parties.

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

“I. To release the vehicle i.e. DATSUN GO+ Car in favour of the petitioner bearing Registration No. BR06PD6444, Chassis No. MDHJBAAD0HC700908, Engine No. HR12785186D seized in connection with Raxaul P.S. Case No. 205 of 2020 registered under Sections 279, 337, 338, 427 of the I.P.C. and 37 (C) of the Bihar Prohibition and Excise Amendment Act, 2018.

II. For direction to the respondents to release the DASTUN GO + Car bearing Registration No. BR06PD6444, Chassis No. MDHJBAAD0HC700908, Engine No. HR12785186D as he is the registered owner of the said vehicle.

III. For any other relief or reliefs for which the petitioner is entitled in the facts and circumstances of the case.”

It is submitted that no illicit liquor was recovered from the vehicle, as such seized vehicle is not liable for confiscation. Allegation against driver of the seized vehicle is to be found in a drunken condition and petitioner is the owner of the seized vehicle.

It has been further submitted that seized vehicle is not liable for confiscation under Section 56 of the Excise Act, as such, bar of jurisdiction in confiscation under section 60 of the Excise is not applicable and the special court excise has jurisdiction to pass order for release of seized vehicle during pendency of trial.

Petitioner would be at liberty to file a petition before the special court excise under section 451 of Cr.P.C. and if any such petition is filed for release of vehicle the special court excise shall dispose of such petition within 30 days from the date of its filing.

Petition stands disposed of with the aforesaid observations/directions.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	