

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1094 of 2022

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Nitesh Kumar Son of Srinarayan Sharma Resident of Relbey Gumati
Banuchhapur Khad Godam, Police Station- Bettiah Muffasil, District- West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and
Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate cum Collector, West Champaran at Bettiah.
3. The Superintendent of Police, Bettiah, West Champaran.
4. The Officer Incharge, Police Station- Bettiah Muffasil, District- West
Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv
For the Respondent/s : Mr.Lalit Kishore (AG)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 22-04-2022

Heard learned counsel for the parties.

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

- (i) To direct the respondent authorities to release the Classic 350 ABS Royal enfield motorcycle bearing Registration No. BR22AK8272 , Chasis No. ME3U3S5C2KB463656 Engine No. U3S5C2KB443393 in favour of petitioner.
- (ii) For any other relief / reliefs for which petitioner is found entitled in the facts and circumstances of this case.

Allegation against petitioner is of driving his motorcycle in a drunken condition. There is no allegation of recovery of any illicit liquor from the seized motorcycle

As there is no allegation of recovery of any illicit liquor from the seized motorcycle, same is not liable for confiscation under section 56 of the Bihar Prohibition & Excise Act, 2016 as such, bar of jurisdiction in confiscation under section 60 of the Excise Act is not applicable and the concerned Special Court (Excise) where the criminal case is pending has jurisdiction to pass order for release of seized motorcycle.

Writ petition is disposed of with liberty to petitioner who is owner of the seized motorcycle to file an

application under Section 451 of Cr.P.C for release of his seized vehicle in the concerned Special Court (Excise) who shall dispose of such petition within 30 days from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

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