

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2330 of 2022

=====

Vinay Kumar Son of Sukhadev Singh resident of Village - Duanni Tola
Baikatpur, P.S. - Khusarupur, Distt. - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Bihar, Patna.
2. The Commissioner Excise, Bihar at Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The S.H.O. Mokama Police Station, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, 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 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 : 22-04-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“1. That this application is directed for issuance of writ in the nature of Mandamus any other appropriate writ/order/direction commanding the respondents to release the vehicle of the petitioner named as Honda Amaze bearing registration no. BR01DE-9598, Chasis No. N-126796, Engine No. B-32545526 seized by the respondent no.5 in connection with Mokama P.S. Case No. 253/2019 registered under sections 37(kha) (ga) of Bihar Prohibition and Excise Act.”

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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	