

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2799 of 2022

Hridya Ravidas Wife of Subhash Ram Resident of Mohalla East Kargahiya,
Ward No. 12, P.S. Bettiah Mufassil, District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Government of Bihar, Patna.
3. The District Magistrate, Bettiah, West Champaran.
4. The Superintendent of Police, Bettiah, West Champaran.
5. The District Transport Officer, Bettiah, West Champaran.
6. The Officer-in- Charge, Lauriya Police Station, District West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate
For the Respondent/s : Mr.Lalit Kishore (Ag)

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 following relief:-

1. That this writ petition is being filed for issuance of a
direction to the respondent no. 3 the District

Magistrate, West Champaran to release the Motorcycle (Live Honda) bearing Registration No. BR-22AF-9749, Engine No. JC71ET3034814, Chassis No. ME4JC717DAJTO22710. Which has been seized in connection with Lauriya P.S. Case No. 133/2021 under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is submitted that 40 litres of illicit liquor was recovered from the motorcycle of petitioner which was stolen on 24.05.2021 for which he had instituted an FIR (Annexure-2) and his stolen vehicle was misused by miscreants for transporting illicit liquor which was seized by police on 11.06.2021 and he is not responsible of being indulged in carrying illicit liquor in his vehicle as same was stolen for which he had already instituted an FIR, for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority concerned is directed to provisionally release the vehicle of petitioner after due identification of ownership of the vehicle on production of ownership and registration papers with respect to vehicle in question upon furnishing adequate sureties to the satisfaction of the concerned District Magistrate/Confiscating Officer.

The release shall be allowed within a period of 14 days from the date of submission of the sureties.

With aforesaid direction and observation, the writ petition is disposed of. However, it shall always be open for petitioner to get his vehicle released in terms of Rule 12(A) of Amended Excise Rules, 2021.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2022
Transmission Date	NA