

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3540 of 2022

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Amarnath Roy Son of Ramjee Ray Resident of Village-Mahua (Singhray),
P.S. Mahua, Vaishali, District-Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Excise Commissioner Government of Bihar, Patna.
3. The Collector Cum The District Magistrate Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Officer in-Charge Cum SHO Sakra Police Station, District-Muzaffarpur
6. The Investigation Officer in Sakra Police Station Case no. 381 of 2019 Under District Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Girish Singh, Advocate Mr. Prem Kumar, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 25-04-2022

Heard learned counsel for the parties.

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

“1(i) For issuance of appropriate writ/writs/direction/directions/order/orders for release of the White color Hywa (Tipper) bearing Reg. No. BR06GB6803, Engine No. B591803251D63433394, Chasis No. MAT449019F2D06212 seized by the Sakra Police Station Case No. 381 of 2019 dated 07.08.2019 registered under section 420,467,468 of the IPC as well as section 30(a) of Bihar Prohibition & Excise Act, 2016 pending in the Court of Special Judge Excise, Muzaffarpur.

(ii) For issuance of appropriate



writ/writs/direction/directions/order/orders for release the vehicle in question in favor of the petitioner on adequate surety on the terms and conditions as laid down by this Hon'ble Court.

(iii) For any other relief/reliefs to which the petitioner may be found entitled in the facts and circumstances of the case.”

The confiscation proceeding against the vehicle of the petitioner was initiated pursuant to written complaint made by the Police Officer that on 07.08.2019 at about 5:10 A.M. he received an information that huge quantity of illicit liquor is being unloaded in the under-construction house of the accused and accordingly police raided the place and from the Hyva Vehicle huge quantity of liquor was recovered and accordingly it was seized and F.I.R. was instituted against the owner of the vehicle as well as other accused. The confiscation proceeding was initiated on the recommendation of police for which notices were issued to the petitioner. In the confiscation proceeding, the prosecuting agency produced the F.I.R., seizure-list, seizure-memo and the report of the Forensic Science Laboratory confirming that the seized article is intoxicant, and recovered from vehicle of the petitioner, as such the initial burden of the prosecuting agency was satisfied once



the F.I.R., seizure memo, seizure-list and Forensic Science Laboratory Report was placed before the Confiscating Authority and in view of Section 114 of the Evidence Act, it is presumed that official work has been done in a rightful manner.

Under the provisions of the Act, it is for the petitioner/owner of the vehicle to satisfactorily account for seized illicit liquor and also to satisfactorily explain that he had no knowledge or information that his vehicle was being misused by the accused for carrying illicit liquor. However, such reverse burden has not been discharged by the petitioner by producing evidence to such effect, accordingly, final order of confiscation has been passed which stands affirmed by Appellate as well as Revisional Authority.

This Court does not find any illegality or irregularity in the impugned order and accordingly, the writ petition is dismissed.

However, this order will not preclude the petitioner to avail the benefit of Section 12A of the amended provisions of the Excise Act by which the vehicle



can be released after making payment of 50 per cent of the value of the vehicle.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	29.04.2022
Transmission Date	

