

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3541 of 2022

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Ramchandra Sah Son of Krishna Sah, Resident of Village-Shahar - Medini,
Police Station-Kargahar, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate cum Collector, Rohtas.
4. The Superintendent of Police, Rohtas.
5. The District Excise Officer, Rohtas.
6. The Superintendent of Excise and Prohibition, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Chaubey, Advocate
For the Respondent/s : Mr. Kumar Manish (SC-5)

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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):-

- i. For issuance of writ/s, order/s, direction/s in the nature of Mandamus, commanding the respondents, to immediately release the vehicle / Motorcycle



- Pulsar 125 DTS-I (Bajaj Auto Ltd.) of the Petitioner bearing Registration No. BR-24AA-9768, Engine No. DHYRKE74354, Chassis No. MD2B64BY3KREO6920, which was seized in connection with Agrer P. S. Case No. 33/2021 dated 10.07.2021 instituted for the offences under section 30(a) of The Bihar Prohibition and Excise (Amendment) Act 2018.
- ii. For further prayer of the petitioner to stay the proceeding of Agrer P. S. Case No. 33/2021 dated 10.07.2021 and Excise Confiscation Case No. 234/2021, instituted for the offences under section 30(a) of The Bihar Prohibition and Excise (Amended) Act 2018.
- iii. For further issue a direction to pay a suitable compensation to the petitioner because the motorcycle of the petitioner has been illegally detained / seized by the police officials without any recovery of illicit / illegal liquor from the vehicle of the petitioner.
- iv. For further any other relief /s, order/s, direction/s, may deem fit and proper in the facts and circumstances of this case.



It is submitted by learned counsel for the petitioner that confiscation proceeding was initiated against the vehicle of the petitioner. However, the same has been released in favour of the petitioner.

In such view of the matter, there is no need for continuing with this proceeding, and accordingly, the writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	28.04.2022
Transmission Date	

