

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3644 of 2022

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Manoj Ram S/o- Late Krishan Ram, Resident of Village- Kondi, P.S.-
Pandarak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Patna.
2. The District Magistrate, Patna.
3. The Assistant Excise Commissioner, Patna.
4. The S.H.O. Bhadaur, Police Station, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Respondent/s : Mr.Kumar Manish (S.C.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 : 05-05-2022

Heard learned counsel for the Parties.

Petitioner has prayed for following relief(s):-

“(I) For issuance of writ in the nature of mandamus commanding and directing the respondents authority to release the vehicle of the petitioner bearing registration No. BR01PB0745 Scorpio Vehicle four wheeler Chasis No. MA1TA2HAN92L31617, Engine No. HA94L33059 which was seized by the SHO of Bhadaur Police Station, District Patna in Bhadaur P.S. Case No. 87/2021 registered U/s 37(b) of the Bihar Prohibition Excise Act, 2016.

(II) For further direction to respondent authority to take final decision with regard to release the vehicle.

(III) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

It is submitted that no illicit liquor was recovered from the vehicle, as such seized vehicle is not liable for

confiscation. Allegation against petitioner and 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	