

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5539 of 2022

Prakash Kumar S/o Late Akhilesh Kumar Singh, Resident at Moh-Saristabad,
P.S.-Gardanibagh, Dist-Patna, Pincode-800001 Petitioner/s

Versus

1. The State of Bihar through Secretary of Excise Department Bihar at Patna.
2. The Collector-Cum District Magistrate, Jehanabad
3. Superintendent of Police (S.P.) District-Jehanabad.
4. S.H.O., Ghoshi P.S.- District-Jehanabad.
5. Vinod Kumar Yadav A.S.I. Okari OP District-Jehanabad.

... ... Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Mokhtar Ansari, Advocate

For the Respondent/s : Mr.Kumar Manish (Sc 5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 10-05-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

1. That this is an application for issuance of writ in the nature of writ of mandamus or any other appropriate writ or writs order or direction Commanding the respondents authorities to release the apache Motor Cycle vehicle bearing no BR-01-DP-889D, Registered no – DL-95 BR 5298, Chesis no-MD634BE40H2N28588, Engine no- BE4NH2X27034 in favour of the Petitioner which has been Seized in connection with Okari P.S- (District- Jehanabad) Case no- 448/2020 registered U/S 30 (a) of the Bihar Prohibition and excise Amendment ACT 2018.

It is submitted that 20 litres of illicit liquor was recovered from the motorcycle of petitioner which was stolen on 11.06.2019 for which he had instituted an FIR (Annexure-1) and his stolen vehicle was misused by miscreants for transporting illicit liquor which was seized by police on 04.10.2020 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	14.05.2022
Transmission Date	NA