

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5473 of 2022

=====

Shrinath Sonar, Son of Lal Sonar, Resident of Village and P.O.-
Ghanshyampur, District-Darbhanga, PIN-847427. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department Govt. of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Superintendent of Police, Darbhanga.
4. The Officer Incharge, L.M.N. University Police Station, Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate
For the Respondent/s : Mr. Vivek Prasad (Gp7)

=====

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 on behalf of petitioner for issuance of a direction to the respondents to release the Passion Pro Black colour Motorcycle bearing Regd. No. BR07AE1858, Engine no.- HA10ACJHE63904, Chassis no.- MBLHAR182JHE32913 in favour of petitioner because the petitioner is the registered owner of the said vehicle and which was seized in connection with University P.S. Case No.234/21 dated 13.07.2021 under section 30(a) of the Bihar Prohibition of Liquor and Excise Act 2016 for recovery of 30 bottles each containing 180 ml and total 05,400 Litres of foreign liquor from a bag (Jhola) AND petitioner further pray for issuance of any other writ/writs, order/orders, direction/directions which the Hon'ble Court may deem fit and proper.

It is submitted that 5.4 litres of illicit liquor was recovered from the motorcycle of petitioner which was stolen on 24.04.2021 for which he had instituted an FIR (Annexure-3) and his stolen vehicle was misused by miscreants for transporting illicit liquor which was seized by police on 13.07.2021 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	14.05.2022
Transmission Date	NA