

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5507 of 2022

Shishu Kumar son of Shri Sah, resident of Village- Chandrahiya, P.S.-
Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principle Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-Cum- District Magistrate, East Champaran.
4. The Superintendent of Police, East Champaran.
5. The Superintendent of Excise, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC11)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

2 11-05-2022 Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):

“(a) To issue an appropriate writ/order/direction, in the nature of writ of Mandamus directing the respondent Collector to release Splendor Motorcycle bearing registration no. BR05AD6245, which has been illegally seized by the S.I. in Pipra P.S. Case No. 03 of 2022 dated 3.1.2022 instituted for the offences under section 37(b) (c) of the Bihar Prohibition and Excise Act, 2018.

(b) To grant any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

It is submitted that no illicit liquor was recovered



from the vehicle, as such seized vehicle is not liable for confiscation. Allegation against petitioner 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 Act 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)

K.C.Jha/DKS

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