

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5909 of 2022

Pratap Kumar Tiwari Son of Ajay Tiwari @ Ajay Kumar Tiwari, Resident of
Village - Radhiya, Police Station- Govindganj, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The Excise Commissioner, Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, East Champaran, Motihari.
4. The Superintendent of Police, East Champaran, Motihari.
5. The Officer in Charge, Sugauli, Police Station, District - East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Adv
For the Respondent/s : Mr.Kumar Manish (SC5)

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-05-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“To release the vehicle i.e. Maruti Alto 800 Car bearing
Reg. No BRO6AP-3126, Chassis No.
MA3EUA61500549883, Engine No. FBDN5333725 seized
in connection with Sugauli P.S. Case No. 36 of 2022
registered U/S 279 of the I.P.C. and Section 37 (C) of the
Bihar Prohibition and Excise Act 2016 on 16.01.2022.”

Allegation against driver of the seized vehicle is

driving the vehicle in a rash and negligent manner in a drunken

condition giving rise to **Sugauli P.S. Case No. 36 of 2022**

instituted for the offences punishable under Sections 279, IPC and Section 37 (c) of Bihar Prohibition & Excise Act, 2016.

As there is no allegation of recovery of any illicit liquor from the seized Bolero vehicle, same is not liable for confiscation under section 56 of the Bihar Prohibition & Excise Act, 2016 and the concerned Special Court (Excise) where the criminal case is pending has jurisdiction to pass order of release of seized vehicle.

Writ petition is disposed of with liberty to petitioner who is owner of the seized vehicle to file an application under Section 451 of Cr.P.C for release of his seized Car in the concerned Special Court (Excise) who shall dispose of such petition within 30 days from the date of its filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA