

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5918 of 2022

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Sanjay Kumar Paswan, Son of Late Bhim Paswan, Resident of - Devrikala,
P.S. - Hussainabad, District - Palamu (JHARKHAND).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Excise Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Office In-Charge, Nabinagar Police Station, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Leelawati Kumari, Advocate
For the Respondent/s : Mr.Kumar Manish (SC 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 : 11-05-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“for issuance of appropriate Writ(s), order(s), Direction(s) directing the respondent authorities to release the seized red colour Maruti Suzuki Alto car of the petitioner bearing Registration No. JH10BL2978 having Chassis No. MA3EUA61S00C17569 and Engine No.F8DN5973213 in favour of the petitioner which has been seized by the Officer in-charge, Nabinagar Police Station in connection with Nabinagar P.S. Case No. 336/2021 dated 23.12.2021 registered for



offences punishable under Section 37 (B, 37(c)) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and further prayed for any other relief(s) for which the petitioner may be found entitle to in the fact and circumstances of the case stated herein after.”

Allegation against driver (petitioner) of the aforesaid Alto Car is of driving the vehicle in a drunken condition. There is no allegation of recovery of any illicit liquor from the seized vehicle.

It is submitted by learned counsel for the petitioner that the vehicle in question is registered in the name of the father of the petitioner, namely, Bhim Ram, but after death of his father, the petitioner, being rightful heir came in possession of the said vehicle and as per his needs he used the aforesaid vehicle. The petitioner has all the valid documents of the vehicle in question.

As there is no allegation of recovery of any illicit liquor from the seized vehicle, same is not liable for confiscation under section 56 of the Bihar Prohibition & Excise Act, 2016 as such, bar of jurisdiction in confiscation under section 60 of the Excise Act is not applicable and the concerned Special Court (Excise) where the criminal case is pending has jurisdiction to pass order for release of seized motorcycle.



Writ petition is disposed of with liberty to the petitioner, who claims to be owner of the seized vehicle, to file an application under Section 451 of Cr.P.C for release of his seized vehicle 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)

Ashwini/-Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	18.05.2022
Transmission Date	

