

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6358 of 2022

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Ajit Yadav, Son of Ramlochan Ray, resident of Village - Surjan Pakri, P.S. -
Siwaipatti, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and
Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The Officer-In-Charge, Siwaipatti P.S., District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Respondent/s : Mr.Vivek Prasad (GP7)

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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 an appropriate
writ/order/direction particularly in nature of Mandamus
for directing the respondents to release the Tempoo
bearing Registration No. BR06 PD 2109, Chassis No.



MD2A41AZXGWF30184, Engine No. BBZWGF 34564 which was illegally seized in Siwaipatti P.S. Case No. 138 of 2019 registered under sections 279, 337, 338 of Indian Penal Code & 37(c) of the Bihar Prohibition and Excise Act.”

Allegation against driver of the aforesaid vehicle 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 petitioner and he has all the valid documents of the said vehicle.

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	17.05.2022
Transmission Date	

