

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6399 of 2022

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Anjali Roy, Daughter of Late Jitendra Kumar Roy, Resident of 705 (B) Gagan
Apartment, Exhibition Road, P.S. Gandhi Maidan, Town and District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise, Prohibition and
Registration Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Superintendent of Excise, Patna.
4. The Superintendent of Police, Patna.
5. The Officer in charge, Agam Kuan Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nagadeo Choubey, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP 7)

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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:-

“(i) for direction/order to the Respondents
No.2 & 5 to release the vehicle (scooty) bearing
registration number BR01EF-6961 in favour of the
petitioner, which had been seized in connection with



Agam Kuan P.S. Case No.679 of 2019 dt. 24/07/2019 (Special Case No.6641 of 2019) registered under Section 37(c) of the Bihar Excise & Prohibition Act 2016 and Sec. 393 IPC.

(ii) Any other relief(s) as the petitioner may be found entitle by this Hon'ble Court under facts and circumstances of the case mentioned herein below”

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 petitioner claims to be the owner of the vehicle in question and he has all 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	

