

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6914 of 2022

Vinod Kumar Singh, Son of Nayan Prasad Singh, Resident of Village-
Rampur, P.O. Dindyalpur, P.S. G.B. Nagar, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Custom and Excise
Department Government of Bihar Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan District-Siwan.
4. The District Transport Officer, Siwan District-Siwan.
5. The Station Head Officer, Guthani, District-Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate
For the Respondent/s : Mr. Vivek Prasad (GP7)

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

Date : 11-05-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

(a) For issuance of appropriate writ/
order/direction including the writ in
the nature of mandamus to commanding
/directing the official respondents to
release the Alto Maruti Suzuki Car of
the petitioner bearing Registration



NO. BR-295-6716 in his favour, which has been seized in connection with Guthani police station case No. 10 of 2022 from which no illicit liquor was recovered and also during pendency of the confiscation case if any arising out of Guthani Police station case no. 10 of 2022.

(b) For granting any other relief/ reliefs for which the petitioner is found entitled to in the facts and circumstances of the case.

Allegation against the driver of aforesaid 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 petitioner claims to be the owner of the vehicle in question 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	

