

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7637 of 2022

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Jagdeesh Thakur S/o-Late Sudama Thakur, Resident of Village-Ramgarh
(Chainpur, Mobarakpur), P.S.-Siswan (Chainpur O.P.), District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise and Prohibition
Department, Bihar, Patna.
2. The Collector-Cum-District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Excise Superintendent of Police, Siwan.
5. The A.S.I. of Siswan (Chainpur O.P.) Police Station, Siwan.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s	:	Mr.Pritish Ranjan, Adv
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 : 08-07-2022

Heard learned counsel for the petitioner.

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

- I. That this writ application is being filed on behalf of petitioner above named for a direction to the respondent authorities to release the vehicle Commander Jeep bearing Registration no. UP-53-I-9032 in favour of the Petitioner who is owner of the Commander Jeep, which has been seized in Siswan (Chainpur O.P.) P.S. case No.304/2021 dated 27.11.21 lodged under section 279/337/304 (A) of the I.P.C. & 37(c) of the Bihar Excise and Prohibition Amendment Act, 2016 and for any other reliefs for which petitioner is legally entitled to.

Allegation against driver of the seized vehicle is driving the vehicle in a rash and negligent manner in a drunken condition giving rise to **Siswan (Chainpur O.P.) P.S. Case No. 304 of 2021** instituted for the offences punishable under Sections 279, 337 and 304(A) of the IPC and Section 37 (c) of Bihar Prohibition & Excise Act, 2016.

As there is no recovery of illicit liquor from the seized vehicle, same is not liable for confiscation under Section 56 of the Excise Act and bar of jurisdiction in confiscation under Section 60 of the Excise Act is not applicable and the Special Court (Excise) where the excise case is pending has jurisdiction to pass order for release of the vehicle.

The writ petition is disposed of with liberty to petitioner to file a petition under Section 451 of Cr.P.C. for release of the vehicle and the Special Court (Excise) where the excise case is

pending is directed to 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