

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8055 of 2022

=====

Ranjan Kumar Son of Shankar Ram @ Shiv Shankar Ram Resident of Ward
No8, Village-Mir Pur, P.S.-Chairaiya, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The District Collector, Motihari, East Champaran.
4. The Excise Superintendent Motihari, East Champaran.
5. The Investigating Officer of Excise Case No 377 of 2021, Raxaul Sub-Division, Raxaul, East Champaran

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC- 11)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 08-07-2022

Heard learned counsel for the parties.

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

I. For issuance of a writ in the nature of Mandamus commanding and directing the respondents' authority to release the Motorcycle bearing Registration. No B R 05 U 3517, Chassis.N0 MBLJA06AMGGG12671, Engine. NO JA06EJGGG41728 to the petitioner forthwith, which was seized by the respondent No 5 in connection with Excise Case 377 of 2021 dated 24-9-2021 instituted for the offences u/s 30(a) of the Bihar Excise Act 2016 pending in the court of learned Special Court Excise,Motihari ,East Champaran

II. To grant any other relief or reliefs for which the Petitioner is found entitled from the facts and Circumstances of the case.

It is submitted that 20 litres country made liquor was recovered from the motorcycle of the petitioner, which was stolen by unknown persons, for which he had instituted an FIR (Annexure-2) and his stolen vehicle was misused by miscreants for transporting illicit liquor which was seized by police on

24.09.2021 with illicit liquor for which FIR was instituted (Annexure-1) and for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority, Motihari, East Champaran is directed to provisionally release the vehicle of petitioner after due identification of ownership of the vehicle on production of ownership and registration papers with respect to vehicle in question in his name and on furnishing adequate sureties to the satisfaction of District Collector/Confiscating Authority, the release shall be within a period of 14 days from the date of submission of the sureties

With said observations, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	