

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8044 of 2022

Raju Kainth S/o Late Madan Lal Kainth Resident of Village- Ward No.- 67,
Nadi Rishpana, Block-2, Cement Road, Karanpur, Adhoiwala, P.S.-
Dalanwala, District- Dehradun, Uttarakhand.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Excise Department, Government of Bihar, Patna.
3. The Divisional Commissioner Excise Department, Patna Division, Patna.
4. The District Collector Kaimur at Bhabhua.
5. The Superintendent of Police Kaimur at Bhabhua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar Pandey, Advocate
For the Respondent/s : Mr.Vivek Prasad (G.P. 7)

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 release of the Honda City Car bearing Registration No. HR-51-AZ-0043 which was seized by the Respondent authorities in connection with Mohania P.S. Case No. 583/2021 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act.

And/or

(ii) To grant any other relief or reliefs to which the petitioner is entitled in the facts and circumstances of the case.

It is submitted on behalf of learned counsel for the petitioner that during pendency of this writ petition, final order of confiscation has been passed by the Confiscating Authority, as such, present petition for interim release of vehicle in confiscation proceeding has become infructuous.

The writ petition is disposed of with liberty to the petitioner to file appeal before the appellate authority, if any, such appeal is filed within four weeks, the appellate authority shall condone the delay in filing appeal and shall decide the appeal on its own merit.

As there is allegation of recovery of 3 litres of beer from the car of the petitioner, **the District Magistrate/Confiscating Officer concerned** is directed to provisionally release the vehicle of petitioner after due identification of ownership of the vehicle seized by the police in

excise case on production of ownership and registration papers with respect to vehicle in question in his name and upon furnishing adequate sureties and undertakings to the satisfaction of confiscating authority.

The release shall be allowed within a period of 14 days from the date of submission of the sureties and the undertakings as stated above, which would however be subject to finalization of the confiscation proceeding.

In view of amendment in the Excise Act, and same being applicable in pending cases, it shall be open for the petitioner to get his/her vehicle released in terms of Rule 12(A) and 57(B) inserted by amending Bihar Prohibition and Excise Rules, 2021 after payment of penalty.

With said observation and direction, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	