

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8042 of 2022

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Yadavlal Paswan Son of Kariman Paswan Resident of Village- Amwa Majhar,
P.S.- Majhauriya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Commissioner, Excise, Bihar, Patna.
3. The District Magistrate cum Collector, East Champaran at Motihari.
4. The Superintendent of Police, East Champaran at Motihari.
5. The S.H.O., Sugauli Motihari, Dist East Champaran.
6. The Investigating Officer of Sugauli P.S. Case No. 533/2021, District- East
Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Respondent/s : Mr.Kumar Manish (SC- 5)

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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 writ in the nature of Mandamus or any other appropriate writ (s), order(s), Direction(s) to the respondents to release the Splender Self Drum bearing Registration No. BR22AK9916 Engine No. HA10AGKD15833, Chasis no- MBLHAW082KHD10392, Which has been seized in connection with Sugauli P.S. Case No 533/2021 dated 18.12.21 the offences under section 30(a)(b)(c) of the Bihar Prohibition and Excise(Amendment) Act. 2016.

(11) For issuance of any other appropriate writ(s), order(s), direction(s) for which the petitioner is entitled to in the facts and circumstances of the case.”

It is submitted that no recovery was made from the motorcycle of the petitioner rather 500 litres of raw material was recovered from the house of Ramfal Sahani and Govind Sahani.

Petitioner claims to be the owner of the said vehicle.

In the facts and circumstances of the case, **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.

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	