

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8252 of 2022

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Jitendra Patel S/o Late Deodhari Patel Resident of Village- Bankat, Police
Station- Motihari Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, East Champaran (Bihar).
3. The Superintendent of Police, East Champaran (Bihar).
4. The S.H.O., Motihari Muffasil Police Station, East Champaran.
5. The Investigating Officer of Muffasil P.S. Case No. 231/22, Motihari
Muffasil Police Station, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate
For the Respondent/s : Mr.Vikash Kumar (S.C. 11)

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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 or direction upon the respondents directing them to release the vehicle of the petitioner i.e. hero HF DELUXE bearing registration no. BR-05T-9573 bearing Engine no-HA11EJG4E410964, Chassis no-MBLHA11ATG4E10826 which has been seized in connection with MOTIHARI Motihari muffasil P.S.case no 231/2022 registered under Section 30 (a), of the Bihar Prohibition & Excise Act, 2018 .
- ii) For stay on confiscation proceeding of aforesaid vehicle bearing registration no BR05T-9573 release the abovementioned vehicle on furnishing bond and surities for the satisfaction of District magistrate East champaran
- iii) For issuance of any other appropriate writ, order or direction which your Lordships may deem fit and proper in the facts and circumstances of the case.

It is submitted that 7 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 31.03.2022 with illicit liquor for which FIR was instituted and for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority, East Champaran, Bihar 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	