

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8463 of 2022

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Veer Sen Gupta Son of Narayan Chandra Gupta, Resident of Village and P.S. -
Tengra, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Department of Excise Government of Bihar, Patna.
2. The District Magistrate, Arwal.
3. The Superintendent of Police, Arwal.
4. The Office In-Charge, Arwal Police Station, District - Arwal.

... .. 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.Aman Vishal, 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 : 22-07-2022

Heard learned counsel for the parties.

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

“That this application is directed for issuance of appropriate writ(s), order(s), Direction(s) directing the respondent authorities to release the seized Maruti Suxuki Swift car of the petitioner bearing Reg. No. BR01EL3610 having Chassi No. MBHCZC63SKH463463 and Engine No. K12MP1080501 in favour of the petitioner which has been seized by the Officer-in-charge, Arwal Police station in connection with Arwal P.S. Case No. 114/2022 dated 16.03.2022 registered for offences punishable under section 30(a), 37 of the Bihar Prohibition and Excise (Amendment) Act, 2018 and further prayed for any other relief(s) for which the petitioner may be found entitle to in the fact and

circumstances of the case stated hereinafter.”

Allegation is recovery of 1.750 ml of illicit liquor from the seized vehicle of the petitioner.

Petitioner claims to be the owner of the said vehicle. It is further submitted that a meagre quantity of 1.750 ml of liquor has been recovered from the vehicle, as such, it cannot be inferred that the vehicle was used for transporting/carrying illicit liquor, nor it can be presumed that recovered illicit liquor was kept for sale/purchase/ trade purpose and it appears that same was kept for personal consumption.

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 on production of ownership and registration papers with respect to vehicle in question in his/her name and on furnishing adequate sureties to the satisfaction of District Magistrate / Confiscating Authority and undertaking.

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.

Petitioner is also at liberty to get his/her vehicle released on payment of penalty in terms of Rule 12(A) 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA