

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8771 of 2022

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Mukesh Kumar Singh @ Mukesh Kumar S/o Arjun Prasad @ Arjun Prasad
Yadav Resident of Rajendra Nagar, Nawada, P.O. and P.S.- Nawada, District-
Nawada, Bihar- 805110.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary-Cum- Commissioner,
Prohibition Excise and Registration Department, Government of Bihar,
Patna.
2. The District Magistrate Patna.
3. The Superintendent of Police Patna.
4. The S.H.O., Patliputra Police Station Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prashant Kumar
For the Respondent/s : Mr.Kumar Manish (Sc5)

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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, order or direction
commanding the respondents to release the Jeep
of the petitioner bearing Registration no- PB67C-
9708 which has been seized in connection with
Patliputra P.S Case no- 239/2017 for offence
registered under section 30 (b), 37 (b) and 38 (c) of
Bihar Prohibition and Excise Act , 2016 which is lying

in the Police Station campus and is destroying day
by day and/or

(II) Any other relief(s) that the petitioner may be found
entitled to under the facts and circumstances of
the case.

It is submitted that no illicit liquor was recovered from the vehicle, as such seized vehicle is not liable for confiscation. Allegation against driver of the seized vehicle is to be found in a drunken condition and petitioner is the owner of the seized vehicle.

It has been further submitted that seized vehicle is not liable for confiscation under Section 56 of the Excise Act, as such, bar of jurisdiction in confiscation under Section 60 of the Excise is not applicable and the Special Court, Excise has jurisdiction to pass order for release of seized vehicle during pendency of trial.

Petitioner would be at liberty to file a petition before the Special Court, Excise under Section 451 of Cr.P.C. and if

any such petition is filed for release of vehicle, the Special Court, Excise shall dispose of such petition within 30 days from the date of its filing.

Petition stands disposed of with the aforesaid observations/directions.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	