

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9046 of 2022

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Bamashankar Jha S/o Dayakant Jha Resident of Village- Ward No.6,
Danchhiha, P.S.- Mahadeo Manth, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Prohibition and Registration, Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The City Superintendent of Police, Gopalganj.
5. The S.H.O. of Kuchaikote P.S. Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, Advocate

For the Respondent/s : Mr.Kumar Manish (S.c. 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) To, issue an appropriate order/s, direction/s including a writ preferably in the nature of mandamus commanding and directing upon the respondents No. 3 to release the vehicle i.e. travelling bus bearing its Reg. No. RJ19PB-1501, Chasis No. MAT412296 COAO-1313 in the favour of the petitioner, who is owner of the Bus registered with the department of the Transport Government of Bihar seized in connection with Kuchaikote P.S. Case No. 225/2022 for the offences under Section 30(a) of the Bihar Prohibition Excise Act 2018 pending in the court of learned Ivth Additional District and Session Judge-Cum-Special Judge Excise Court No. II, Gopalganj.

(ii) To direct the respondent no. 3 to release the travel Bus henceforth with taking into the consideration that same is lying open in the sky subject to speedy decay.

(iii) Any other reliefs/s to which the petitioner may be found entitled in the facts and circumstances of the case.”

Allegation is recovery of 3.750 litres of illicit liquor from the bus of the petitioner.

Petitioner claims to be owner of the seized bus which is a passenger bus and he had no information that illicit liquor were kept in the bus.

In facts and circumstances of present case, the District Magistrate/Confiscating Authority, Gopalganj is directed to provisionally release the seized bus in favour of the petitioner, on submitting the ownership and registration document of the bus and on furnishing bank guarantee of the half of the value as indicated in the insurance document of the bus and further furnishing and undertaking that no 3rd party right will be created on the bus during pendency of confiscation proceeding.

The release of the bus shall be allowed within a period of 14 days from the date of furnishing of bank guarantee and the undertaking as stated above, which would however be subject to final outcome of the confiscation proceeding

With aforesaid observations and direction the writ

petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	