

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9003 of 2022

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Rajeev Kumar Choudhary Son of Sri Upendra Choudhary, resident of Village-
Kailash Nagar, P.S.- Ranchi, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition, Government of Bihar, Patna.
2. The Commissioner, Excise, Government of Bihar, Patna.
3. The District Magistrate-cum- Collector, Purnea.
4. The Superintendent of Police, Purnea.
5. The Superintendent, Excise, Purnea.
6. The Sub- Inspector, Sadar, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, 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):-

1. That this is an application for setting aside the order dated- 14.03.2022(Annexure-4) passed by the learned Commissioner Excise, Government of Bihar, Patna (Respondent No.2) in connection with Excise Appeal No. 151 of 2022 and also setting aside the order dated- 28.12.2021 (Annexure-3) passed by the learned District Magistrate-cum-Collector, Purnea in Excise Case No. 393 of 2021 whereby and where under the learned District Magistrate-cum-Collector, Purnea (Respondent No. 3) has confiscated the Jai Jagdamba Travels Bus bearing registration number JH01AP/5538, Engine No. 11H63166645, Chassis No. MAT412279B0H14633 and learned Commissioner Excise, Government of Bihar, Patna was also affirm the order passed by the learned District Magistrate-cum-Collector, Purnea, which have been illegally and deliberately seized by the Sub-Inspector, Sadar, Purnea, in connection with

in connection with Pre Trial No. 347 of 2021 arising out of Sadar P.S. Case No. 442 of 2021 registered for the offence under section 272 and 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition & Excise Act 2016, it is also prayed that issuance of mandamus directing and commanding the respondent authorities to release the Jai Jagdamba Travels Bus bearing registration number JH01AP/5538, Engine No. 11H63166645, Chassis No. MAT412279B0H14633 in favour of the petitioner and the petitioner also prays for any other relief or reliefs for which he is legally entitled too, on the peculiar facts and circumstances stated in this petition.

Allegation is recovery of 128.250 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, Purnea 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	