

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9626 of 2022

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Amarjeet Kumar S/o Kailash Yadav, R/o Vill Nandpur P.S. Sangrampur Dist-
East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar.
2. The District Magistrate, East Champaran at Motihari.
3. The Police Superintendent, East Champaran at Motihari.
4. The S.H.O. Sangrampur E. Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC 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 an appropriate writ in nature of mandamus direction the respondents to release the vehicle (Hero Gambler Motor Cycle) of the petitioner

bearing Chassis No BHR1BN5435 Chasis No. MBLJAS016H9C00087 Engine No. JA06EJGH9C00130 was seized by A.S.I S.S.B connection with Ghorasahan (Jhaokhar) P.S. Case No 144/21 arising out in Confiscation Proceeding 283/21 pending before Respondent no 2 registered u/s. 272.273 of I.P.C.. & u/s. 30(a) of Bihar Prohibition & Excise Act 2016,

(ii) For issuance of appropriate writ's/orders or direction to quashed the Bihar Prohibition & Excise Act 2016 including section 56(d) power confiscation to district magistrate.

(iii). For issuance of any other relief/relies which may be deem fir and proper by this Hon'ble Court."

It is submitted that 123 litres country made Nepali liquor was recovered from the motorcycle of the petitioner, which was stolen by unknown persons, for which he had instituted an FIR (Annexure-3) and his stolen vehicle was misused by miscreants for transporting illicit liquor which was seized by police on 16.04.2021 with illicit liquor for which FIR was instituted (Annexure-2) and for which petitioner cannot be held to be responsible.

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