

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9983 of 2022

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Rohit Kumar son of Bhogendra Ram, Resident of Village-Kishunpur, Ward No-6, P.S.-Bathnaha, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The Superintendent of Police, Sitamarhi.
5. The Sub Inspector Excise, Sitamarhi.
6. The Excise Police, Sitamarhi, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar, 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 : 22-07-2022

Heard learned counsel for the parties.

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

- (i) For issuance of appropriate / writ / writs / direction / direction / order/ orders for release of the TVS Star City Motorcycle bearing Registration No. -BR-30 Y 0312, ENGINE No. - FF1GK1X0524X , Chassis No. MD625FF19K3H72183 in connection with C-2 Case No. 56/2022 dated 06.02.2022 registered for an offence under section30(a) of Bihar Prohibition & Excise act, 2018 pending in the Court of Learned A.D.J. -VII cum Exclusive Excise Court no-2, Sitamarhi, which has not been sent to**

**the Learned Collector cum District Magistrate, Sitamarhi
for its confiscation.**

- (ii) For issuance of appropriate / writ / writs / direction /
direction / order/ orders for release of vehicle in question
in favour of the petitioner on adequate surety on the
terms and conditions as laid down by this Hon'ble Court.**
- (iii) For any other relief / reliefs to which the petitioner may
be found entitled in the facts and circumstances of the
case.**

Allegation is recovery of 750 ml. of illicit liquor
from the seized motorcycle of the petitioner.

Petitioner claims to be the owner of the said vehicle.

It is further submitted that a meagre quantity of 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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	