

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10324 of 2022

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Phool Chand Munda Son of Birsa Munda Resident of Village- Patratu, P.O.-
Bodiya P.S.- Kanke, District- Ranch (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Excise Superintendent Nawada.
4. The Excise Inspector, Rajouli, District- Nawada.
5. Mr. Rajesh Kumar Sinha, Excise Sub-Inspector, Rajouli Check Post,
Rajouli, Nawada.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Adv
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)

Date : 29-07-2022

Heard learned counsel for the parties.

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

- i). For issuance of writ in the nature of mandamus directing and commanding the respondents to release the Maruti Baleno Car of the petitioner bearing Registration No. JH01DD-9036 in favour of the petitioner which has been seized in Excise Police Station Case No. 64 of 2022 at Rajouli Check Post on dated 02.05.2022.

Allegation is recovery of 375 ml of illicit liquor from the seized vehicle.

Petitioner claims to be the owner of the said vehicle.

It is further submitted that a meagre quantity of 375 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA