

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10329 of 2022

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Parmeshwar Kumar son of Ram Naresh Sharma, resident of Village Baranda,
P.O. and P.S. Dhibra, District Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Aurangabad (Bihar).
3. The Officer-in-charge Dhibra Police Station, District Aurangabad (Bihar).

... .. 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.Shailesh Kumar Singh, Adv
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)

Date : 29-07-2022

Heard learned counsel for the parties.

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

- (i) For a direction to the respondents authorities to release the seized vehicle i.e. motorcycle No. JH03AE-6353 in favour of petitioner which has been seized by the respondent authority in connection with Dhibra P.S. Case No. 03/2022 registered u/s 30(gh)/38 of Bihar Excise Prohibition Amended Act 2018.
- (ii) For any other order/orders on the facts and circumstances stated herein after of the case.

Allegation is recovery of 50 Kg of mahua flower from the seized motorcycle.

Petitioner claims to be the owner of the said vehicle.

It is further submitted that 50 Kg of mahua flower has been recovered from the vehicle. Mahua flower does not come under the definition of intoxicant under the Excise Act.

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.

The release shall be allowed within a period of 14 days from the date of submission of the sureties.

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