

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10542 of 2022

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Pawan Kumar Pandey @ Pawan Pandey Son of Devendra Pandey, resident of
M.P. Bag, P.S. Ara Town, Distt. Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Kaimur at Bhabhua.
3. The Assistant Excise Commissioner, Kaimur at Bhabhua.
4. The Superintendent of Excise, Kaimur at Bhabhua.
5. The Vehicle Inspector, Kaimur at Bhabhua.

... .. 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.Dewendra Narayan Singh, Adv
For the Respondent/s : Mr.Kumar Manish (SC5)

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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 release of petitioner's Maruti Suzuki Dezire Vxi car vehicle, bearing its Registration Number as BR-01FN-5208, Chassis No. MBHCZFB3SNB215486 and Engine No. K12NP4073355 which has been got seized in connection with Kaimur Excise Case P.R. No. 137 of 2022 registered for the offences punishable under sections 30(a) and 37 of the Bihar Prohibition and Excise Amended Act, 2022 on 18-06-2022, seized for the alleged violation of Excise Laws.

And

- (ii) Also for restraining the respondent authorities from initiation and completion of confiscation proceeding against petitioner's Maruti Suzuki Dezire car vehicle, bearing its Registration Number as BR-01FN-5208, Chassis No. MBHCZFB3SNB215486 and Engine No. K12NP4073355, seized in connection with Kaimur Excise Case P.R. No. 137 of 2022

And

- (iii) Also for any other relief/reliefs for which the petitioner is found entitled in the eye of law.

Allegation is recovery of 750 ml of illicit liquor from the seized 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)

ranjan/-

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