

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10811 of 2022

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Nandu Rai Son of Kamal Rai, Resident of Village- Dighi Kala Purvi, P.S.
Hajipur Sadar, District- Vaishali. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Excise and Prohibition and Registration Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate-Cum- Collector, Katihar.
4. The Superintendent of Police, Katihar.
5. The Superintendent of Police, Vaishali, at Hajipur.
6. The Officer-In- Charge, Police Station Balpur, Katihar.
7. The Officer-In- Charge, Hajipur Sadar, Police Station- Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raja Ram Rai, Advocate
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)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 05-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- i. For issuance of an appropriate writ in the nature of mandamus for a direction to the respondents of release the Vehicles of the petitioner bearing Alto Car registration no. BR 31 B 9378 which was seized by Balrampur(Telcha) police station, District Katihar in connection with P.S case no. 18/2021 dated 14.02.2021 Registration under section 30 (a) Bihar, Prohibition and Excise Act.

- ii. That this Vehicle (Alto Car) caught with the liquor was stolen a few day back whose F.I.R has been registered in HajipurSadar police station on 31.01.2022 u/s 379 of the I.P.C and the investigation officer has found it to be true and charge sheet has been submitted.
- iii. For issuance of any other relief/ reliefs which may be deem fit and proper.
- iv. That the petitioner has nothing to do which whatever illegal liquor has been caught from this vehicle.

It is submitted that 102.24 litres of illicit liquor was recovered from the car of petitioner which was stolen for which he had instituted an FIR dated 03.01.2021 (Annexure-2) and his stolen vehicle was misused by miscreants for transporting illicit liquor which was seized by police on 14.02.2021 and he is not responsible of being indulged in carrying illicit liquor in his vehicle as same was stolen for which he had already instituted an FIR, for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority 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 upon furnishing adequate sureties to the satisfaction of the concerned District Magistrate/Confiscating Officer.

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

With aforesaid direction and observation, the writ petition is disposed of.

However, it shall always be open for petitioner to get his vehicle released in terms of Rule 12(A) of Amended Excise Rules, 2021.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.08.2022
Transmission Date	NA