

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11011 of 2022

Parshu Ram Yadav @ Parshuram Yadav Son of Uchit Yadav Resident of
Village- Sadpur, P.S.- Amarpur, District- Banka (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Prohibition and Excise Department, Govt. of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Banka.
4. The Sub-Divisional Officer, Banka.
5. The Officer In-Charge, P.S.- Amarpur, Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Vivek Prasad (G.P. 7)

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 the following relief(s):-

1. That, this is an application for issuance of the appropriate writ/ writs, order/ orders or direction/ directions to the respondent authorities to release the petitioner's Motorcycle of Black colour Hero

Splendor Registration No.BR51E- 3834
Model Hero Moto Corp SPPDIRSCC(SP+13S),
Chassis NO. MBLHAW088KHD25334, Engine
NO. HA10AGKHD33512, which has been
seized in connection with Amarpur P.S.
Case No. 59/2022 dated 30.01.2022
registered for the offences alleged
under sections 30(a)(g) and 32 (2) of
Bihar Prohibition and Excise Act, 2018.

Allegation is recovery of 1.125 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
1.125 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)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	