

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11161 of 2022

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Salamat Hussain Son of Md. Jamal, resident of Mohalla - Mirzapur,
Sakmapool, P.S. - Darbhanga Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Collector-cum-District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The S.H.O., Bisfi Police Station, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Majid Mahboob Khan, Advocate
For the Respondent/s : Mr.Vivek Prasad (G.P.7)

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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 the following relief(s):-

- a) To direct the respondents to release the Hundai ECON
MAGNA O BSIV car bearing Registration No. BR-07Q-
1904 of model 2013, having Chassis Number-
MALA351ALDM230011J, Engine Number-
G3HADM203355, which has been seized in connection
with Bisfi P.S. Case No. 59/2022 registered under section
272, 273, 279 & 427/34 of I.P.C. and section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2018 in
favour of rightful owner i.e. the petitioner.

b) To any other relief/reliefs for which the petitioner is found entitled too.

Allegation is recovery of 2.250 litres of illicit liquor from the seized Honda ENO car of the petitioner.

Petitioner claims to be the owner of the said vehicle.

It is further submitted that a meagre quantity of 2.250 litres 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	