

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11095 of 2022

=====

Ruchi Shukla Wife of Mani Bhushan Kumar Resident of Shushila Bhawan,
Prabhat Nagar, Gobarsahi, Bhagwanpur, P.S.- Sadar, District- Muzaffarpur.

... .. 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-Confiscation Officer, Gopalganj.
3. Officer in-Charge, Excise Police Station, Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shivam, Advocate

For the Respondent/s : Mr.Vivek Prasad (GP-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 praying for issuance of appropriate writ/writs directing the officials respondents, particularly Respondent No.2, to release the vehicle of petitioner i.e. Bus namely Om Travels bearing Registration No. BR06PE-5102, Chassis No. MAT449305JOH10630, Engine

No. 81H84808953 which has been seized in connection with Gopalganj Excise Case No. 77 of 2022 dated 10.3.2022 for the alleged offence registered under section 30(a) of the Bihar Prohibition & Excise Act, 2016.”

Allegation is recovery of 34.380 litres of illicit liquor from the bus of the petitioner.

Petitioner claims to be owner of the seized bus which is a passenger bus and he had no information that illicit liquor were kept in his bus.

In facts and circumstances of present case, the District Magistrate/Confiscating Authority, Gopalganj is directed to provisionally release the seized bus in favour of the petitioner, on submitting the ownership and registration document of the bus and on furnishing bank guarantee of the half of the value as indicated in the insurance document of the bus and further furnishing and undertaking that no 3rd party right will be created on the bus during pendency of confiscation proceeding.

The release of the bus shall be allowed within a period of 14 days from the date of furnishing of bank guarantee and the undertaking as stated above, which would however be subject to

final outcome of the confiscation proceeding

With aforesaid observations and direction the writ
petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	