

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12068 of 2022

=====

Sachin Kumar Son of Sunil Singh, Resident of Village-Mananpur, Rajpur,
P.S.-Kalyanpur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The Excise Commissioner, Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, East Champaran, Motihari.
4. The Superintendent of Police, East Champaran, Motihari.
5. The Excise Superintendent, East Champaran, Motihari.
6. The Officer in Charge, Motihari Town, Police Station, District-East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Adv
For the Respondent/s : Mr.Vikash Kumar (SC11)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-09-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- I. To release the HERO SPLENDOR + Motor Cycle bearing
Registration No. BR05AD4713, Chassis No.
MBLHAW085K4B11313, Engine No. HA10AGK4B21962
seized in connection with Motihari Town P.S. Case No. 336 of
2022 registered Under Sections 30 (a), 37 (b), (c) of the Bihar
Prohibition & Excise Amendment Act 2018 and Section 272,
273 of the I.P.C. on 17.05.2022.



Allegation is recovery of 180 ml of illicit liquor from the seized vehicle of the petitioner.

Petitioner claims to be the owner of the said vehicle. It is further submitted that a meagre quantity of 180 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

