

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12478 of 2022

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Manoj Kumar Singh Son of Late Ram Ekbal Singh Resident of Village
Senubariya, P.S.-Chairaiya, District-East Champaran. Petitioner/s
Versus

1. The State of Bihar through Principal Secretary, Department of Bihar Prohibition and Excise, Government of Bihar, Patna.
 2. The Collector-Cum-District Magistrate, East Champaran.
 3. The Superintendent of Police, East Champaran.
 4. The Superintendent of Excise, East Champaran.
 5. The Officer In Charge, Daka Police Station, District-East Champaran.
- Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjana Srivastava, Advocate
For the Respondent/s : Mr.Kumar Manish (S.C. 5)

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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 : 02-09-2022

Heard learned counsel for the parties.

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

(i) To release the Hero Glamour Motorcycle bearing registration No.BR05S9836 (Wrongly mentioned in F.I.R. Regd.No. BR05AE5176), Engine Number JA06EJG9C00547, Chassis No. MBLJA 06AMG9C00730, which has been seized by S.H.O. Dhaka Police Station, District-East Champaran in connection with Dhaka P.S. Case No. 118/21 dt 12-03-2021 for offences under sections 30(a) of Bihar Prohibition Amended Act 2018 which has

been forwarded to the court of learned Special Judge, Excise Act, East Champaran.

(B) To any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.

It is submitted that 13.800 litres illicit liquor was recovered from the Motorcycle of the petitioner, which was stolen by unknown persons, for which he had instituted an FIR (Annexure-3) and his stolen vehicle was misused by miscreants for transporting illicit liquor which was seized by police on 12.03.2021 with illicit liquor for which FIR was instituted (Annexure-1) and for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority, East Champaran 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 name and on furnishing adequate sureties to the satisfaction of District Collector/Confiscating Authority, the

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

With said observations, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	