

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12519 of 2022

Sanjeev Kumar Proprietor Cool Cool Travels Delhi S/o- Bhopal Singh,
Resident of House No. 96, Mangolpur Khurd, P.S.- Mangolpuri, District-
North West Delhi- 110085. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Prohibition and Registration, Bihar Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The City Superintendent of Police, Gopalganj.
5. The Sub Inspector Excise P.S. Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey, 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 : 02-09-2022

Heard learned counsel for the parties.

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

- (i) To, issue an appropriate order/s , direction/s including a writ preferably in the nature of mandamus commanding and directing upon the respondents No. 3 to release the vehicle i.e. travelling bus bearing its Reg.No.HR38AB-8145, Engine No. 02K63844157 ,Chasis No. MAT 789015L5K07423 in the favour of the petitioner , who is owner of the Bus runs Cool Cool Travels Delhi with the Department of Transport Government of Haryana seized in connection with Excise P.s. Case No. 21/2022 for the offences under section 30(a) of the Bihar Prohibition and Excise Act 2016 as amended 2018 pending in the court of Learned Addl. Sessions Judge VIth Cum Special Judge Excise Court No. II, Gopalganj.
- (ii) To direct the respondent No.3 to release the travel vehicle henceforth with taking into the consideration

- that same is lying open in the sky subject to speedy decay.
- (iii) Any other reliefs/s to which the petitioner may be found entitled in the facts and circumstances of the case .

Allegation is recovery of 52.175 liters foreign 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 the 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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	