

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12845 of 2022

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Brajesh Pandey S/o Late Bhuneshwar Pandey, resident of Mohalla Babu Bazar, Ara, Police Station, Ara Town District - Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner of Excise Department, Government of Bihar, Patna.
2. The Commissioner Excise Department, Government of Bihar, Patna.
3. The District Magistrate, Bhojpur at Ara.
4. The Superintendent of Police, Bhojpur at Ara.
5. The Assistant Commissioner, Excise Bhojpur at Ara.
6. The Officer-in-charge of Udwant Nagar within the District Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Advocate
For the Respondent/s : Mr.Kumar Manish (SC5)

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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 : 09-09-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

That this application on behalf of the petitioner is being filed for issuance of an appropriate writ/orders, directing the respondents/authorities to release the Bus of the petitioner bearing Reg. No. BR-3P-3954, Chasis No. MAT-453552A7P47189, Engine No.

497TC91PZY865784 in favour of the petitioner after proper verification of the documents/papers.

Allegation is recovery of 8 litres 54 litre 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 was kept by some of the passengers in the bus.

In facts and circumstances of present case, the District Magistrate/Confiscating Authority, Bhojpur at Ara 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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.09.2022
Transmission Date	NA