

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12837 of 2022

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Nishant Raushan, Son of Shashi Shekhar Sharma, Resident of Village -
Taregna, P.S. - Mashouri, District - Patna At present House No. 24, Manglam
Colony, Near R.P.S. More, Bailey Road, Danapur Cant, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Excise Superintendent, Nawada.
4. The Excise Inspector, Rajouli, District - Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP7)

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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 reliefs:-

- i). For issuance of writ in the nature of mandamus
directing and commanding the respondents to
release the Baleno Car vehicle of the petitioner
bearing Registration No. BR01EK-8355 in
favour of the petitioner which has been seized
in G.O. Case No. 91 of 2022 at Rajouli Check
Post on dated 28.01.2022.
- ii). For any other relief/reliefs to which the
petitioner may be entitled to.

Allegation is recovery of 360 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 360 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)

Sanjay/-

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