

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13215 of 2022

Pradhan Kumar Son of Sunil Sahani, R/o Ward No.- 15, Pahsara, Babhagama, Police Station- Nawkothe, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of Excise Department, Bihar at Patna.
2. The Collector-cum- District Magistrate, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The Superintendent Excise Prohibition, Begusarai.
5. S.H.O. Bakhri P.S., District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar, 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 : 09-09-2022

Heard learned counsel for the parties.

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

- I. For issuance direction especially to the respondent No.2 to release the "Three Wheeler Vehicle" bearing reg. No. **BR-09GB-3754**, which was seized in Bakhri P.S. Case No. 72 of 2022 for offence punishable U/S - 37(c) of Bihar Prohibition and Excise Act, 2016 dated on 12.03.2022 in favour of the petitioner.
- II. Also for any other relief/ reliefs for which the petitioner is entitled in the eye of law.

It is submitted that no illicit liquor was recovered from the vehicle, as such seized vehicle is not liable for confiscation. Allegation against driver of the seized vehicle is to be found in a drunken condition and petitioner is the owner of

the seized vehicle.

It has been further submitted that seized vehicle is not liable for confiscation under Section 56 of the Excise Act, as such, bar of jurisdiction in confiscation under Section 60 of the Excise is not applicable and the Special Court, Excise has jurisdiction to pass order for release of seized vehicle during pendency of trial.

Petitioner would be at liberty to file a petition before the Special Court, Excise under Section 451 of Cr.P.C. and if any such petition is filed for release of vehicle, the Special Court, Excise shall dispose of such petition within 30 days from the date of its filing.

Petition stands disposed of with the aforesaid observations/directions.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	