

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14078 of 2022

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Satya Prakash @ Sintu Son of Ajay Saw, Resident of Parsa Bazar, Simra,
Police Station - Parsa Bazar, District - Patna (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department, New Secretariat, Patna.
2. The Principal Secretary Excise Department, Government of Bihar New Secretariat, Patna.
3. The District Magistrate, Arwal.
4. The Superintendent of Police, Arwal.
5. The Officer-in-charge, Kaler Police Station, District - Arwal.
6. The Investigation Officer of Kaler P.S. Case No. 53 of 2022, dated 04.11.2020, P.S. - Kaler, District - Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ujjawal Bhushan, Advocate
		Mr. Digvijay Narayan Singh, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 27-09-2022

Heard learned counsel for the parties.

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

(A) For issuance of writ/writs, order/orders, direction/directions, commanding the respondents to release the petitioner's vehicle (Tata XENON Delivery Van, Tata Motors) bearing Registration No. BR-01-GD-8260, and having



Engine No. 497SPTC43GVY628891, Chasis No. MAT52400SESG04949, which has been seized in connection with Kaler P.S. Case No. 53/2020, registered for offences punishable under Sections 30(A)/30(C) of Bihar Prohibition & Excise Act, 2016, and Section 2(E)/3/5/13, Bihar Excise (Mahua Flowers) Rules, 2007, and is rotting in open air in the premises of Kaler P.S. since 04.11.2020, without any purpose and even contrary to the provisions of law.

(B) For any other relief/reliefs to which the petitioner is found entitled for under the facts and circumstances of the present case.

Allegation is recovery of Mahua flower from the seized vehicle, as such, vehicle is not liable for confiscation under section 56 of the Bihar Prohibition & Excise Act, 2016 as such, bar of jurisdiction in confiscation under section 60 of the Excise Act is not applicable and the concerned Special Court (Excise) where the criminal case is pending has jurisdiction to pass order for release of seized vehicle.

Writ petition is disposed of with liberty to petitioner who is owner of the seized vehicle to file an application under Section 451 of Cr.P.C for release of his seized vehicle in the concerned Special Court (Excise) who shall dispose of such petition within 30 days from the date of its



filing.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/

AFR/NAFR	
CAV DATE	
Uploading Date	28.09.2022
Transmission Date	

