

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14111 of 2022

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Nitish Kumar son of Bishu Rawat, resident of Village-Nandlal Bigha, P.S.-
Hisua, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Superintendent of Police, Nawada.
4. The S.H.O. Hisua Police Station, District-Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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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):-

- (i) For issuance of an appropriate writ commanding the respondents authority to release the vehicle bearing Registration no.BR-02AK-7235 has been confiscated under Section 58(2) of the Bihar Prohibition and Excise Act, 2018 belonging to the petitioner.
- (ii) For any other relief/reliefs for which the petitioners are entitled under law as well as on facts.

Allegation is recovery of 62 litres of illicit liquor



from the house of the co-accused, namely, Ramchandra Raut and not from the motorcycle of the petitioner.

Petitioner claims to be the owner of seized vehicle which was allegedly said to have been used for transporting the illicit liquor, however, nothing has been recovered from the motorcycle of the petitioner.

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)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.09.2022
Transmission Date	

