

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14317 of 2022

Jay Krishna @ Jay Krishna Yadav S/o Anandi Yadav, R/o village Buddhuchak
Ward No 8 Post Choti Naka P.S. Sanhoula, District - Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Registration, Excise Prohibition Government of Bihar, Patna.
2. The Excise Commissioner, Bihar, Patna.
3. The District Collector cum District Magistrate Bhagalpur.
4. The Director General of Police Bihar Patna.
5. The Superintendent of Police Bhagalpur.
6. The Officer Incharge Sabour Police Station District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha, Advocate
For the Respondent/s : Mr.Kumar Manish (S.C.5)

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 by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Date : 30-09-2022

Heard learned counsel for the parties.

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

A. For issuance of appropriate Writ(s) Order(s) Direction(s) to release the four wheeler of the petitioner Vehicle No BRI0GA-9233, Chasis No -MA1ZNZTBKJ1A11172, Engine No - TBH1M26869 [Type of Body-Pick-Up], Model- Bolero Pickup which was purchased by the petitioner from Amit Automobiles, Jail Road Tilkamanjhi, District Bhagalpur. The said vehicle was seized on 28/09/21 by the Sabour Police Under the Excise Act.

B. For quashing the notice dated 15.03.2022 issued by the office of the Court of Senior Additional Collector, District Record, Bhagalpur in Miscellaneous (Excise) Case No. 31/2021-22 (Government Vrs. Pankaj Sah & Oths) for confiscation of the vehicle in question of the petitioner.
C. For issuance of the writ in certiorari holding that the District Collector do not have any jurisdiction to initiate and hold that the vehicle of the petitioner which is subject matter of confiscation.”

Learned counsel for the petitioner seeks permission to withdraw this petition.

Permission is granted.

This petition is dismissed as withdrawn with liberty to the petitioner to file a fresh petition with respect to release of the vehicle, since there is recovery of illicit liquor from the vehicle, vehicle is liable for confiscation, as such, there is no illegality in issuance of show cause notice to the petitioner for initiation of confiscation proceeding.

Accordingly, the present petition is dismissed as withdrawn with the aforesaid liberty.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	