

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14356 of 2022

Sandeep Kumar Son of Chandradev Prasad Yadav Resident of Village-
Sahpur, P.S.- Gopalpur, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Excise, Patna.
2. The District Magistrate, Katihar at Katihar.
3. The Senior Superintendent of Police, Katihar.
4. The S.H.O. Balian Bellown Police Station, District- Katihar.

... .. Respondent/s

Appearance :

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

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 : 14-10-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

1) That this application is directed for issuance of writ in the nature of Mandamus any other appropriate writ / order / direction commanding the respondents to release the vehicle of the petitioner named as Black

Colour Pulsar Motor Cycle bearing registration no. BR01EM-2495, Chasis No. MD2A11CY9KRB14745 Engine No. DHYRKB95936 seized by the respondent no. 4 in connection with Balia Bellon PS Case no. 54 / 2022 registered under sections 30 (a) of Bihar Prohibition & Excise Act 2016.

It is submitted that 9.51 litres of illicit liquor was recovered from the motorcycle of petitioner which was stolen for which he had instituted an FIR dated 18.04.2022 (Annexure-2) and his stolen vehicle was misused by miscreants for transporting illicit liquor which was seized by police on 15.05.2022 and he is not responsible of being indulged in carrying illicit liquor in his vehicle as same was stolen for which he had already instituted an FIR, for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority 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 upon furnishing adequate sureties to the satisfaction of the concerned District Magistrate/Confiscating Officer.

The release shall be allowed within a period of 14 days

from the date of submission of the sureties.

With aforesaid direction and observation, the writ petition is disposed of.

However, it shall always be open for petitioner to get his vehicle released in terms of Rule 12(A) of Amended Excise Rules, 2021.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/Ishika

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.10.2022
Transmission Date	NA