

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14434 of 2022

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Arvind Kumar Singh Son of Shiv Nandan Singh, Resident at Road No. 18,
Magadh Colony, Gaya, Bihar- 823001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Collector/District Magistrate, District- Gaya.
3. The Excise Commissioner, Magadh Range, District- Gaya.
4. The Superintendent of Police District- Gaya.
5. The Superintendent of Excise, District- Gaya.
6. The S.H.O. of Amas Police Station, District- Gaya.
7. The Inspector Excise Prohibition Quick Force, District- Gaya.
8. The A.S.I. Abhiranjan Kumar of Amas Police Station, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Niranjan Kumar, Advocate
For the Respondent/s : Mr.Vivek Prasad (G.P. 7)

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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 : 14-10-2022

Heard learned counsel for the parties.

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

(I) For issuance of writ in the nature of mandamus for directing and commanding the responsible respondent authorities to release the vehicle Bullet Motorcycle bearing Registration No.- BR02BA2865, Chassis No.- MZDKW1C16L1J43440 and Engine No.- NBE-LJ010505, which has illegally and arbitrarily been seized in connection with Amas P.S. Case No. 94 of 2022 lodged on 18.03.2022, registered under Sections 279 and 337 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2018 in favour of the

petitioner and the petitioner is ready to comply with any terms and conditions imposed by this Hon'ble Court, who is the owner of the vehicle and till yet, no confiscation proceeding has been initiated.

(ii) For any other relief or reliefs to which the petitioner is entitled to, in the facts and circumstances of the case.

Allegation is recovery of 750 ml. of illicit liquor from the seized motorcycle of the petitioner.

Petitioner claims to be the owner of the said vehicle.

It is further submitted that a meagre quantity of 750 ml. of liquor has been recovered from the vehicle, as such, it cannot be inferred that the vehicle was used for transporting/carrying illicit liquor, nor it can be presumed that recovered illicit liquor was kept for sale/purchase/ trade purpose and it appears that same was kept for personal consumption.

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)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	