

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14894 of 2022

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Pankaj Om Prakash Singh Son of Late Om Prakash, Resident of Village-
Gahmar, Police Station- Gahmar, District- Gazipur, (U.P.), presently residing
at K-402, Swagat Residency, Ichhapor, Choryasi, Ichchhapor, Surat, Gujrat-
394510

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Police, Gaya, District- Gaya.
4. The Officer-in-charge, Police Station- Rapur, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar, Adv
For the Respondent/s : Mr.Vikash Kumar (SC11)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 21-12-2022

Heard learned counsel for the parties.

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

“That though this writ petition, petitioner craves
indulgence of this Hon’ble Court for issuance of an
appropriate writ commanding the respondents directing
them to release the vehicle Creta 1.6 SX PLUS AT (Car)
bearing registration No. GJ 05 JS 2164, Engine No.
D4FBHM252372, No.MALC381UMHM208700, in
Chassis favour of the petitioner being owner of the vehicle
which has been seized in connection with Rampur P. S.
Case No.472/2022 on 05.09.2022 registered for the
offences under section 337/228/179/427 of the Indian
Penal Code and under section 30(a) and 37(ii) of Bihar
Prohibition and Excise Amendment Act 2022 for alleged
have accusation that two accused persons who were
present in the vehicle in drunken position and one 750 ml
bottle of BLENDERS PRIDE which was only filed 4th i.e.



(approx 187.50 ml) (250 ml) was found in bottle, therefore both accused persons were Arrested and vehicle was seized and seizure memo was prepared and the said seizure of vehicle is contrary to the provision of 56 of the Bihar Prohibition and Excise Act.”

Allegation is recovery of 250 ml of illicit liquor from the seized vehicle of the petitioner.

Petitioner claims to be the owner of the said vehicle. It is further submitted that a meagre quantity of 250 ml of illicit 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)

(Partha Sarthy, J)

Ashwini/r-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.12.2022
Transmission Date	NA

