

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16234 of 2022

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Naresh Kumar Son of Vijay Prasad Resident of village - Gulni, P.S. - Gurua,
District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Commissioner Excise Magadh Division Gaya.
3. The District Magistrate, Gaya.
4. The Superintendent of Police Gaya.
5. The Sub Divisional Magistrate Sherghati at Gaya.
6. The Deputy Excise Commissioner, Gaya.
7. The Excise Inspector of Police Sherghati at Gaya.
8. The S.H.O. Amas under the District of Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Saxena, Adv
For the Respondent/s : Mr.Vivek Prasad (GP7)

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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 this writ application is being filed for
release the vehicle (Motorcycle SHINE SP) bearing
Registration No. BR 02AU 4575, Engine No.
JC73EG0098099, CHASIS No. ME4JC73AGKG052428
which is under custody Amas P.S. case No.80/2021 dated
3/04/2021 under 30 (a) Bihar Prohibition Excise Act
2016.”

It is submitted on behalf of petitioner that he is the



owner of the seized motorcycle which was stolen by unknown thieves on 07.03.2021 for which he has lodged FIR on 15.03.2021 giving rise to M.U. P.S. Case No. 30 of 2021 for the offence punishable under Section 379 of IPC, and same was being used by the miscreants for transportation of illicit liquor and 60 litre of mahua wine, was recovered from said stolen motorcycle.

Petitioner claims to be owner of the seized motorcycle and same was stolen on 07.03.2021 for which he had earlier instituted a case as such, petitioner cannot be held to be responsible for transportation of illicit liquor, however, since the vehicle was used for transportation of illicit liquor same is liable for confiscation.

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 in his name and on furnishing adequate sureties to the satisfaction of District Collector/Confiscating Authority, the release shall be within a period of 14 days from the date of submission of the sureties.



With said observation, 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

