

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21103 of 2021

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Kumar Rajeev Ranjan, S/o-Shri Mahendra Tiwari, R/o-Village-Chitaoukhar,
P.S.-Nasriganj, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secreary, Home (Police) Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate-Cum-Additional Collector, Kaimur (Bhabua),
4. Inspector, Prohibition and Excise, Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ravindra 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 through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 01-04-2022

Heard learned counsel for the parties.

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

“I. For issuance of an appropriate writ/direction(s) order(s) in nature of mandamus for directing the release of Hero Honda Passion Pro Motorcycle bearing Registration No. BR01AU7784, Chassis No. MBLHA10ERAGB19846, which was seized on 01.10.2020 in connection with Excise Registration No. 726 of 2020, which arises out of P.R. Case No. 04 of 2020-21, lodged under Section 30(a) of Bihar Prohibition and Excise Act.

II. And for any other relief(s) for which the petitioner may be found to be entitled to in the present facts and circumstances of the case.”

It is submitted that 38.250 litres of illicit liquor was recovered from the vehicle of petitioner which was stolen on 14.06.2020 for which he had instituted an FIR (Annexure-3) and his stolen vehicle was misused by miscreants for transporting illicit liquor which was seized by police and he got to know about it when he received a notice dated 03.08.2021 by the court 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, Kaimur (Bhabua) 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 said observations, this writ petition is disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	