

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21251 of 2021

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Nitish Kumar S/o Upendra Singh, R/o Village Mirzapur Nohra, P.S. Fatuha,
District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Patna.
4. The Superintendent of Excise, Patna.
5. The Superintendent of Police, Patna.
6. The S.H.O. Kankarbag Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate
For the Respondent/s : Mr.Vikash Kumar (S.C.11)

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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) To issue an appropriate writ(s) order(s)/direction(s) in the nature of a writ of Mandamus, directing the respondent Collector to release the Yamaha R15V3 Motorcycle of the petitioner bearing Registration No. BR01EL4263, which has been seized by Kankarbag police station officials in connection with Kankarbag P.S. Case No. 730/21 dated 07.08.2021 instituted for the offences

under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act & the petitioner has no knowledge of any confiscation case pending.

(ii) To grant any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

It is submitted that 30 litres of country made liquor was recovered from the vehicle of petitioner which was stolen on 01.08.2021 for which he had instituted an FIR (Annexure-2) and his stolen vehicle was misused by miscreants for transporting illicit liquor which was seized by police on 07.08.2021 with illicit liquor for which FIR was instituted (Annexure-3) and for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority, Patna 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	