

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15604 of 2022

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Dhananjay Kumar Rai Son of Late Ramanuj Rai, resident of Mohalla - Sidhnath Ghat, Thana Road, - Buxar, Police -Station Town Police Station, Buxar, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner of Excise Department, Government of Bihar, Patna.
2. The Commissioner, Excise Department Government of Bihar, Patna.
3. The District Magistrate, Kaimur at Bhabhua.
4. The Superintendent of Police, Kaimur at Bhabhua.
5. The Assistant Commissioner of Excise, Kaimur at Bhabhua.
6. The Officer-in-charge of Ramgarh Police Station within the District of Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar, Adv
For the Respondent/s : Mr.Kumar Manish (SC5)

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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 is an application on behalf of the petitioner is being filed for issuance of an appropriate writ/orders directing the respondents/authorities to release the Bus of the petitioner bearing Reg. No. BR-44P-5814, Chasis No. MCIE4FKA7KP-010324, Engine No. D68002605 after proper verification of documents papers.”

Allegation is recovery of 1 litre 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 1 litre 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)

(Partha Sarthy, J)

Ashwini/r-

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

