

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15462 of 2022

Abhinav Singh @ Abhinav Son of Rajkishor Singh Resident of Village-
Baraharakh, P.S.-Pakaridayal, District-East Champaran. At Present address-
408 Chaurasiya Manor Phase-1 2nd Cross Kaverappa Layout
Kadubeesanahalli, Bengaluru South, Karnataka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secreary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secreary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
3. The Collector-Cum-District Magistrate, East Champaran,
4. The Superintendent of Police East Champaran.
5. The Superintendent of Excise, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Ms. Rashmi Jha, Adv Mr.Abhishek Kumar, Adv
For the Respondent/s	:	Mr.Kumar Manish (SC 5)

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):-

“(a) To issue an appropriate writ/order/direction, in the nature of writ of Mandamus directing the respondent Collector to release Tata Nexon Car bearing registration no. KA03NN2941, which has been illegally seized by the S. I. in Turkauliya (Banjariya) P. S. Case No. 953 of 2022 dated 02.10.2022 instituted for the offences under sections 414 of the Indian Penal Code and 30(a), 32, 41(i) of the Bihar Prohibition and Excise Act, 2016.

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



Allegation is recovery of 1 litre of illicit beer 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 beer 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/beer 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

