

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16941 of 2022

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Raj Kishore Son of Satendra Kumar, Resident of Village- Gajachak
Mohammadpur, P.S. Janipur, P.O- Shorampur, District- Patna, Pin- 801505

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of the Excise Department, Bihar, Patna.
2. The Additional Chief Secretary, Excise, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Collector-cum-District Magistrate, Kaimur at Bhabhua.
5. The Additional Collector, Kaimur at Bhabhua.
6. The Officer Incharge, Excise Thana, Kaimur at Bhabhua.
7. The Investigation Officer, Excise, Kaimur at Bhabhua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satya Ranjan Sinha, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC11)

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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 following reliefs:-

(I) To direct the concerned respondents to release the seized Sleti Colour Baleno Car bearing Registration No.BR-01ET-2762, Engine No.K12MP426060, Chassis No.MBHEWB22SLC467136 of the petitioner which has been wrongly/illegally seized in connection with Excise P.R. No.318/22 Kaimur (Bhabhua) dated 12.10.2022 under Section 30(a), 32(3), 37 of Bihar Prohibition and Excise Act- 2016 & 2022 (Amend) illegally forthwith.

(ii) To grant any other relief/reliefs which the petitioner may found entitled in the facts and circumstances of the case.”

Allegation is recovery of 2.52 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 2.52 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/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2022
Transmission Date	

