

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17041 of 2022

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Ambar Raja Son of Nur Alam Miya, Resident of Village-Piyaur, P.O.-
Gayghat, Piaur, Police Station-M.H. Nagar, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The Collector-cum-District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The S.H.O. Hussainganj (M.H. Nagar) P.S., District-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP7)

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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 relief:-

“1). For a Direction upon the Respondents, particularly Respondent No. 3 to 5 release the Splendor Pro Motor Cycle bearing Reg. No. BR29AJ6696, Chassis No. MBLHAW083K4F03724, Engine No. HA10AGK4F08322 in favour of the Petitioner which was seized in connection with Hussainganj (M.H. Nagar) P.S. Case No. 287 of 2022 dated 26.10.2022 registered U/Ss 341, 504, 506 of the IPC and 30 (a) of Bihar Prohibition and Excise Act 2016.

(II). For any other relief or reliefs as the Petitioner may found entitled by this Hon'ble Court be given.”



Allegation is recovery of 600 ml. of illicit liquor from the seized motorcycle of the petitioner.

Petitioner claims to be the owner of the said vehicle. It is further submitted that a meagre quantity of 600 ml. 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	

