

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17646 of 2022

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Gautam Kumar Son of Ravi Ranjan Sharma Resident of Village- Aranda P.S.-
Obera Dist- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Liquor Prohibition,
Excise and Registration Department, Govt. of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Station House Officer, Amba, District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha, 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):-

“(i) For direction upon the respondents to release the
Creta Car bearing Registration No. BR-01-ET-7863 bearing
Chasis NO. MALPB813LLMO12519 Engine No.
D4FALM006317 (Creta, Hyundai Car) in favor of the petitioner
which was seized in connection with Amba P.S. Case No.
229/2022 by the Sub-Inspector Amba Police Station under
Bihar Prohibition and Excise (Amendment) Act, 2018.”

Allegation is recovery of 500 ml of Copter seven strong
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 500 ml of Copter



seven strong beer has been recovered from the vehicle, as such, it cannot be inferred that the vehicle was used for transporting/carrying illicit liquor/beer, 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

