

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.963 of 2023

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Srikant Sharma S/o Late Benkatesh Sharma R/o Village Dhangain, P.S.
Jamhore, District-Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector Cum District Magistrate, Arwal
4. The Superintendent of Police, Arwal

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh
For the Respondent/s : Mr. Kumar Manish (Sc 5)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-02-2023 Petitioner has prayed for the following relief(s):-

“I. To issue an appropriate writ(s)/order(s)/direction(s) in the nature of a writ of Mandamus, directing the respondent Collector to release the vehicle of the petitioner namely Swift Dzire Car bearing Registration Number BR 02 BA 4258, which has been seized by the police officials under Arwal Police Station in Arwal P.S.Case No.58/2022 dated 15.2.2022 under Bihar Prohibition and Excise (Amendment) Act. 2018.

II. 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 against co-accused Tara Bhusan who was caught in the vehicle in a drunken condition. There is no allegation of recovery of any illicit liquor from the seized vehicle.

As there is no allegation of recovery of any illicit liquor from the seized vehicle, same is not liable for confiscation under section 56 of the Bihar Prohibition & Excise Act, 2016 as such, bar of jurisdiction in confiscation under section 60 of the Excise Act is not applicable and the concerned Special Court (Excise) where the criminal case is pending has jurisdiction to pass order for release of seized vehicle.

Writ petition is disposed of with liberty to petitioner who is owner of the seized vehicle to file an application under Section 451 of Cr.P.C for release of his seized vehicle in the concerned Special Court (Excise) who shall dispose of such petition within 30 days from the date of its filing.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/Sujit

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