

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2544 of 2023**

=====

Santosh Yadav Son of Motichanda Yadav Resident of Village- Bitauniya,  
Ward No.3, Kateya, P.S. Kateya, District- Gopalganj (Bihar), presently  
residing at 12 PTR, Siding Shalimar, 10-13 Howrah Municipal Corporation,  
Shibur, Howrah- 711102 (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition, Excise and Registration Department,  
Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Siwan, District- Muzaffarpur.
4. The Superintendent of Police, Siwan, District- Siwan.
5. The Excise Superintendent, Siwan, District- Siwan.
6. The Station Head Officer, Bhagwanpur Hatt Police Station, District- Siwan.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Pankaj Kumar Singh, Advocate  
For the Respondent/s : Mr. Vivek Prasad (GP-7)

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 08-05-2023**

The petitioner is concerned with the release of his  
vehicle bearing Registration No.NL01N4502, Chassis  
No.MAT447224F1P30355 and Engine No.51M63486901  
which was seized on 03.12.2022 in connection with



Bhagwanpur Hatt P.S. Case No.320 of 2022 registered for the offences punishable under Sections 30(a), 32(23), 41(1)(2) of the Bihar Prohibition and Excise Act, 2016 on account of detection of 7.5 liters in the vehicle.

The learned counsel for the petitioner submits that there is no confiscation proceeding initiated till date and the petitioner's case also may be disposed of similar to the judgment dated 22.03.2022 passed in C.W.J.C. No. 14659 of 2022 titled as Rinju Devi v. State of Bihar

The learned State Counsel, on instructions, submits that requisition was sent by the Seizing Authority to the Confiscating Authority on 17.04.2023. However, confiscation proceeding has not yet been initiated.

In the above circumstances, following the decision in **Rinju Devi** (supra) we direct that the vehicle in question be provisionally released to the petitioner, on such conditions the Collector may impose, within two weeks from the date of receipt of a copy of this judgment and the further proceedings taken, if so desired, after issuing proper notice to the petitioner.



The writ petition would stand disposed off without any observations on the merits.

**(K. Vinod Chandran, CJ)**

**( Rajiv Roy, J)**

sharun/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N/A        |
| Uploading Date    | 09.05.2023 |
| Transmission Date | N/A        |

