

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1721 of 2023

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Kavita Mishra, Wife of Santosh Kumar Mishra Resident of Sitaram Bhawan,
Bhawanipur, Tupudana, P.O. Holhundu, P.S. Dhurwa, District-Ranchi
(Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secrerary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Sitamarhi District-Sitamarhi.
3. The Superintendent of Police, Sitamarhi District-Sitamarhi.
4. The Excise Superintendent, Sitamarhi District-Sitamarhi.
5. The Station Head Officer, Dumra Police Station, District-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC-11)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-04-2023

1. The petitioner is concerned with his vehicle which is apprehended to be under confiscation proceedings. The vehicle of the petitioner bearing Registration No. JH01CQ5060, Chassis No. MA1XL2WJXH5A36002 and Engine No. WJG6L50651 was detained on 15.01.2021 and an FIR was registered for drunken driving as Dumra P.S. Case No. 18 of 2021. There is no recovery effected from the vehicle.

2. The learned State counsel also submits that there is no recovery effected.



3. In such circumstances, the petitioner has to approach the criminal court where the vehicle has been produced under Section 451 of the Cr.P.C.. If the vehicle has not yet been produced, the seizing authority will ensure that the vehicle is produced before the court in which the criminal case is pending, expeditiously. If, in any event, the seizing authority has produced the vehicle before the District Collector for initiation of confiscation proceedings, the District Collector shall direct the vehicle to be produced before the criminal court where the criminal case is pending, since no confiscation proceedings can be initiated against the vehicle from which there was no recovery of illicit liquor.

4. Writ application is disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shashank/sumit-

AFR/NAFR	NAFR
CAV DATE	NA
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