

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1392 of 2023**

Ekta Enterprise a proprietary concern having its place of business at Parulia, Durgapur, Paschim Burdwan, West Bengal - 713205 through its proprietor namely Dharmendra Giri male aged about 41 years son of Ramdev Giri, Resident of B/Extension A-4, Vidyasagar Pally, Durgapur, Benachity, P.S.-Aurbindo, Bardhaman, West Bengal- 713213.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary cum Commissioner, Department of Prohibition and Excise, Govt. of Bihar, Patna.
2. The District Magistrate cum Collector Bhagalpur.
3. The Superintendent of Police, Bhagalpur.
4. The Officer in Charge, Jagdishpur Bypass, Bhagalpur.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                                         |
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| For the Petitioner/s | : | Mr. Gautam Kumar Kejriwal, Advocate<br>Mr. Alok Kumar Jha, Advocate<br>Mr. Atal Bihari Pandey, Advocate |
| For the Respondent/s | : | Mr. Kumar Manish, SC-5                                                                                  |

**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):-

“That the present application has been filed for a direction for release of the truck bearing registration number WB 39 B9150 seized by police in connection with Jagdishpur Bypass P.S. Case No. 602 of 2022 G.R. No. 5124 of 2022 registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 in favour of the petitioner subject to such terms and conditions as may be deemed fit and



proper.”

Allegation is recovery of 1950 ml of illicit liquor 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 1950 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)**

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