

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3610 of 2023

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Vigani Devi, Wife of Paltan Chaudhari, Resident of Village- Narahwa Sukul,
P.S.- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Inspector General of Police, Bihar, Patna.
5. The District Magistrate/ Collector, Gopalganj.
6. The Superintendent of Police, Gopalganj.
7. The Excise Superintendent of Police, District- Gopalganj.
8. The Officer-in- Charge of Gopalpur Police Station, District- Gopalganj.
9. The Investigating Officer of Gopalpur P.S. Case No. 257/2022 dated-
25.12.2022, Gopalpur Police Station, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate
Ms. Devika Rani, 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 : 18-04-2023

The petitioner is aggrieved with the seizure of his



Pick-up Van bearing Registration No. BR28GA-3896, Engine No. TBK1L89111, Chassis No. MA1ZN2TBKK1L83681. The detention was on recovery of 6 litres of liquor in thirty Tetra Packs found inside the Pick-up Van. The detention was made on 25.12.2022 and an F.I.R. was registered as Gopalpur P.S. Case No. 257/2022.

It is the submission of the learned State counsel that confiscation proceedings are initiated which, however, is denied by the petitioner on the ground that no notice has been issued.

In such circumstances, the petitioners shall approach the District Magistrate, Gopalganj within a period of two weeks, upon which the District Magistrate or his office shall give a date of hearing and conclude the confiscation proceedings or release the vehicle within a further period of one month from the date of hearing. It is made clear that we have not made any observations regarding the merits of the matter and it would be at the discretion of the District Magistrate.

The petitioner also submits that he is willing to make an application under Section 57B of the Act read with Rule 12A of the Bihar Prohibition and Excise Rules, 2021. Hence, in the circumstances if an application is made for release of the vehicle, on payment of half of the ensured value, necessarily the



District Magistrate will consider the same in accordance with law within the time stipulated herein above.

The writ petition stands disposed of with the aforesaid directions/observations.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

P.K.P./Anushka

AFR/NAFR	
CAV DATE	
Uploading Date	19.04.2023
Transmission Date	

