

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2919 of 2023

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Shashi Baranwal, aged about 46 years, Female Wife of Ashok Kumar Baranwal, Resident of 323/2 Galla Mandi Kotwali Ke Pichhe, P.S.-Sultanpurgity, District-Sultanpur (Uttar Pradesh).

... .. Petitioner

Versus

1. The State of Bihar.
2. The Excise Commissioner, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Senior Deputy Collector, Samastipur.
5. The Superintendent of Police, Samastipur.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Ashok Kumar Mishra, Advocate

For the State : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 13-04-2023

Heard learned counsel for the petitioner and learned counsel for the State.

The writ petition arises under the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

The truck was detained in connection with Tajpur (Halai



O.P.) P.S. Case No. 559 of 2022 dated 21.11.2022, for the offences under Sections 30(a) the Act with 5220.360 litres of foreign liquor.

Learned counsel for the petitioner submits that he is ready to pay the penalty as prescribed under Rule 12A of the Bihar Prohibition and Excise Rules, 2021.

The learned counsel for the State submits that confiscation proceeding has been initiated and notice has been issued under Section 12A of the Rule.

The petitioner now seeks for release of the vehicle bearing Registration No. UP44AT8751, Engine No. 7B6A250D02112 D64153517, Chassis No. MAT820006M1D10673, on payment of 50% of the insured value, as has been provided under Rule- 12A of the Bihar Prohibition & Excise Rules.

In the above circumstances, the Confiscating Authority i.e., the Senior Deputy Collector, Samstipur (Respondent No. 4), would decide whether in public interest it would be expedient to release the vehicle. If it is decided that the vehicle be released then the Deputy Collector, Samastipur, shall determine the insured value of the truck in question and release the same within a period of two (02)



weeks’ from deposit of the said amount.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Rajkishore/
Shyam Bihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	17.04.2023
Transmission Date	

