

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3820 of 2023

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Rameshvar S/o Siddha Resident of Village-Vivar, P.O.-Vivar, P.S.-Vivar,
District-Hamirpur (U.P.), at present resident-Sujanpura near Bus Stand at
Ambagh Lko, Lukhnow (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Excise, Saran Division, Saran.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umeshanand Pandit, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-04-2023

The petitioner is concerned with the release of Maruti
Suzuki Swift Dzire bearing Registration No. UP 32 MN-4115,
Chassis No. MA 3EJKDIOOC18151, Engine No.
K12MN2374459, seized in connection with Gopalganj Excise
P.S. Case No. 464 of 2022 dated 25.12.2022, registered under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
The FIR is produced as Annexure-1 and the Registration
Certificate is produced as Annexure-2, which indicates that the
petitioner is the owner of the vehicle.

The petitioner has chosen to come to this Court



directly with a writ petition under Article 226. We are not inclined to invoke the extraordinary remedy to interfere in the matter.

However, the owner of the vehicle has a remedy to pay 50% of the insured value and get release of the vehicle, as is seen from Section 57B of the Act read with Rule 12A of the Bihar Prohibition and Excise Rules, 2021. In such circumstances, if the petitioner offers to pay 50% of the insured amount of the vehicle by an application filed within two weeks, the Collector shall determine the insured value within a further period of two weeks and intimate the same to the petitioner. The petitioner if deposits the 50% of the insured value within a further period of two weeks then the vehicle shall be released to him.

With the above liberty, the writ petition is disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

