

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3455 of 2023

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Shankar Rai, Son of Late Bhim Rai, Resident of Village- Koraia, P.S. - Mahuawa, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principle Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-Cum-District Magistrate, East Champaran.
4. The Superintendent of Police, East Champaran.
5. The Superintendent of Excise, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, 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 : 26-04-2023

Petitioner is concerned with the vehicle (Bolero) bearing Registration No. BR01PB0893, which was seized on 17.12.2022 and an F.I.R. registered as Sugauli P.S. Case No. 539 of 2022 dated 17.12.2022. From the petitioner's vehicle 180 ml. foreign liquor was recovered.

Learned State counsel on instructions submits that despite requisition of the seizing authority having been sent on 04.04.2023, the confiscation proceedings have not been initiated till now. In fact, when the seizure was made on 17.12.2022, it



was incumbent on the detaining authority to have sent a requisition earlier especially since the time contemplated as per the rules is within thirty days and the confiscation also to be effected within a period of ninety days. The procedure having not been followed and the quantity being very minimal, we are of the opinion that the vehicle can be released on payment of penalty of Rs. 20,000/- (twenty thousand). On payment of penalty of Rs. 20,000/- (twenty thousand) before the authority concerned, the vehicle shall be released in favour of the petitioner and he shall be absolved from the confiscation proceedings.

The writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

P.K.P./Anushka

AFR/NAFR	
CAV DATE	
Uploading Date	29.04.2023
Transmission Date	

