

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3677 of 2023

Sanjeev Kumar, aged about 33 years, Male, Son of Late Murari Prasad,
Resident of Village- Narayanpur, P.S.- Patahi, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Commissioner, Excise, Bihar, Patna.
3. The District Magistrate cum Collector, East Champaran.
4. The Superintendent of Police, East Champaran.
5. The Excise Superintendent, East Champaran.
6. The S.H.O. Kalyanpur, East Champaran.
7. The Investigating Officer of Kalyanpur, P.S. Case No. 35/2023, District-
East Champaran.

... .. Respondents

Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate
For the State : Mr. Kumar Manish, SC-5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MADHURESH PRASAD)

Date : 17-04-2023

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

2. The petitioner is concerned with release of Scorpio
vehicle bearing Registration No. BR05PB-4312, Chassis No.
MAITA2XM2L2F23734, Engine No. XML4F12712, seized on
31-01-2023, in connection with Kalyanpur PS Case No. 35 of
2023, registered for the offences under Sections 30(a), 32(1), (2)



and 36/41(1)(2) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

3. The learned counsel for the State, upon instructions, submits that having regard to the nature of allegations in the criminal case, there is no proposal on the part of the Authorities for initiating confiscation proceedings.

4. That being so, this Court would observe that for release of the vehicle, the petitioner’s appropriate remedy lies in approaching the Court of learned Special Judge, Excise Act, East Champaran, as per the provisions contained in Section 451 of the Code of Criminal Procedure, 1973.

5. With liberty to the petitioner to avail remedies in accordance with law, the writ application is dismissed.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	
CAV DATE	
Uploading Date	20 /04/2023
Transmission Date	

