

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3288 of 2023

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Mohan Kumar Saw, Son of Narayan Saw, Resident of Village- Bachchedih, P.O.- Navalsahi, P.S.- Domchanch, District- Koderma (Jharkhand) at present resident of Village- Bhimedih, P.S.- Navalsahi, District- Koderma (Jharkhand).

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The Collector, Purnea.
5. The Superintendent of Police, Purnea.
6. The Station House Officer, Baisi Police Station, District- Purnea.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Indu Bhushan, Advocate
For the State : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 10-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. 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 Baisi P.S. Case No. 44 of 2022 dated 18.02.2020, for the offences under Sections 30(a)/41/47 of the Act, on 17.02.2020, with 2125.8 litres of Indian Made Foreign Liquor. The confiscation proceedings have also been



completed and the same has been upheld upto the revisional stage.

3. The petitioner now seeks for release of the vehicle bearing Registration No. JH-12E-6966, Engine No. B591803241C63369392, Chassis No. MAT466388E1C04945, on payment of 50% of the ensured value, as has been provided under Rule- 12 A of the Bihar Prohibition & Excise Rules.

4. In the above circumstances, the Confiscating Authority i.e., the Collector, Purnea (Respondent No. 4), would determine the ensured value of the truck in-question and release the same within a period of two (02) weeks' from today on deposit of the said amount, if not auction sold or disposed of in any manner till date.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Rajkishore/
Shyam Bihari/-

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