

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4224 of 2023

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Mahesh Bhagat, Son of Suraj Bhagat Resident of Village- Maliya Tola
Mirpur, P.S.- Chiraiya, District- East Champaran, Motihari, at present D. 456,
J.J. court Okhala, Phase-2, Okhala Industrial Estate, South Delhi, Delhi- 20.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate, Motihari, East Champaran.
4. The Superintendent of Police, Motihari, East Champaran.
5. The S.H.O., Ghorasahan, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : 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

The petitioner is concerned with his motorcycle
(Hero Splendor) bearing Registration No. BR 05AB-7528, Chasis
No. MBLJAR036J9F60749, Engine No. JA05EGJ9F09833, which
was seized alleging an offence under Sections 30(a) and 41(1) of
the Bihar Prohibition and Excise Act, 2016.

The FIR dated 03.10.2022 was registered by the
petitioner alleging theft of his motorcycle. It is after that the
motorcycle was seized on 12.10.2022 with 38 litres of liquor. The
confiscation proceedings are said to be pending before the



Respondent No. 3, the District Magistrate, Motihari, who has not till date initiated further proceeding after the seizure of the motorcycle.

In such circumstances, specially considering the fact that the vehicle was seized long before, the petitioner would be directed to appear in the office of the District Magistrate, Motihari on 25.04.2023 on which date the office of the District Magistrate shall give a date of hearing within two weeks from that date with acknowledgment taken from the petitioner or his authorised representative.

The District Magistrate shall hear the person on the notified date and conclude the proceedings within one month therefrom. If the proceedings are not concluded within that time, the petitioner would be entitled to provisional release of the vehicle, on surety bond being executed for the insured value of the vehicle.

Writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20.04.2023
Transmission Date	

