

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3864 of 2023

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Baiju Sahni, Son of Ramji Sahni, Resident of Village- Ward No. 17, Majhar,
P.S.- Pakridayal, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The Superintendent of Police, East Champaran, Motihari.
4. The Officer in Charge of Madhuban Police Station, District- East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Dhurendra Kumar, Advocate
For the State : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 27-03-2023 The instant writ application has been filed for release of the vehicle i.e. Scooter bearing registration No. BR05AN5422, Chesis No. MD626AK32L2P07476, Engine No. AK3PL2806869, which has been seized in connection with Madhuban P.S. Case No. 356/2022 under Sections 30(a), 32 and 41(1) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred as “Act”). The vehicle in question has been seized on 19.08.2022.

2. Parties are in agreement that the issue of release of seized vehicles under the Act, confiscation of which have



remained pending for such a long period is covered by earlier decision of this Court in the case of ***Rinju Devi versus State of Bihar and Ors.*** in ***C.W.J.C. No. 14659 of 2022.*** The instant case is thus being considered with a view to its final disposal

3. In the case of ***Rinju Devi*** (supra) the Collector (Confiscating Authority) was directed to provisionally release the petitioner's vehicle on reasonable condition, pending the confiscation proceeding, as per directions dated 07.02.2020, jointly issued by the Additional Chief Secretary, Home Department-cum-Excise (Prohibition) and Registration Department, Government of Bihar, and the Director General of Police, Bihar. Relevant extract of the decision dated 22.02.2023 passed by this Court in the case of ***Rinju Devi*** (supra) reads as follows:-

“7. For the aforesaid reason, while disposing of the present writ application with a direction to the confiscating authority who is Collector, West Champaran, Bettiah, to provisionally release the petitioner’s vehicle on reasonable condition, pending the confiscating proceeding, we direct all concerned to abide by the directions jointly issued by the Additional Chief Secretary, Home Department-cum-Excise (Prohibition) and Registration Department, Government of Bihar, and the Director General of



Police, Bihar, as contained in the letter dated 07.02.2020, so as to minimize unnecessary cases coming up before this Court. Any deliberate breach of the said communication shall be treated to be contempt of this Court and person(s) concerned shall be liable to face consequential action under the Contempt of Court Act, 1971, apart from the disciplinary action under appropriate rules governing their service conditions, as may be deemed fit by the authorities.

8. This writ application stands disposed of with the aforesaid observations and directions.”

4. Writ application is thus disposed of for release of the vehicle in the same terms, if not already auction sold/released.

(Chakradhari Sharan Singh, ACJ)

(Madhuresh Prasad, J)

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