

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4576 of 2023

=====

Roma Kumari, Wife of Late Sonelal Gupta, Resident of Village-Govindganj,
District East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate, West Champaran at Bettiah.
3. The Superintendent of Police, West Champaran at Bettiah.
4. The Superintendent of Excise, West Champaran at Bettiah.
5. The Station House Officer, Chautarwa P.S., West Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish (SC5)

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-04-2023

The petitioner is before us seeking release of a vehicle (Goods Carrier, Truck Open BC) bearing registration No.HR55N-2385, registered in the name of petitioner's husband, which was seized on 08.12.2020 in connection with Chatarwa P.S. Case No.517 of 2020 instituted under Section 37(c) of the Bihar Prohibition and Excise Act, 2016 and Section 3 of the Damage to Public Property Act.

It is asserted that there is no liquor seized from the vehicle.



Learned State counsel submits, on instructions, that this is not a case of seizure for possession of liquor, but the case has been registered for drunken driving and causing accident.

In the said circumstances, the petitioner would have to approach the Special Court for release of the vehicle under Section 451 of the Code of Criminal Procedure.

Leaving such remedy open, we close the writ petition.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.04.2023
Transmission Date	

