

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5501 of 2023

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Ankit Kumar Mahto, Son of Jagdish Mahto, R/o Village Belahathi Road Birsa
Nagar, Khunti, P.S. - Khunti, District - Khunti (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and
Excise Department, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Excise, Gaya.
4. The Superintendent of Police, Gaya.
5. The Officer in Charge, Rampur P.S., District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC 11)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-05-2023

The petitioner is concerned with the release of his vehicle-
Tata Zest Car bearing Registration No. JH01DW-5514, Chassis
No.MAT624004KPN04254, Engine No. 100A20000809979, which
was seized on 08.11.2022 in connection with an FIR being Rampur
P.S. Case No.609 of 2022 registered on 08.11.2022 for the offences
punishable under Sections 30(a)/32(2) (3), 41(1) (2) of Bihar
Prohibition and Excise (Amendment) Act, 2022.

We see that quantity of 18 litres of foreign liquor was
seized from the vehicle.

Learned State counsel submits that Confiscation



Proceeding being Confiscation Case No.860 of 2022 has been initiated, in which notice has been issued to the petitioner.

Learned counsel for the petitioner submits that the petitioner is ready to avail the remedy provided under Rule 12A of the Bihar Prohibition and Excise Rules, 2021.

In such circumstances, the petitioner would be entitled to approach the District Collector, if possible tomorrow itself, and make an application under Rule 12A of the Rules which shall be considered by the District Collector exercising the discretion conferred under the said provision and if release is ordered; on deposit of penalty, the release of the vehicle shall be made immediately after verification of the ownership of vehicle in question.

The writ petition stands disposed of with the aforesaid observations and directions.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	05.05.2023
Transmission Date	

