

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5359 of 2023

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Ramesh Kumar Shrivastava, Son of Sukath Lal, resident of village -
Harkhauli, Police Station - Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Excise and Registration, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The S.H.O. Kateya P.S., Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, 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 : 24-04-2023

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 petitioner is concerned with
Honda SP 125 motorcycle bearing registration No. BR-28Z-6838,
Engine No. JC83EG2200916, Chassis No. ME4JC835LMG095260,
which was seized on 10-10-2022, in connection with Kateya P.S.
Case No. 456 of 2022, dated 10.10.2022, for the offences under
Section 30(a) of the Act, found with



15.570 litres of foreign liquor.

3. The petitioner now seeks for release of the vehicle in-
question on payment of 50% of the insured value, as has been
provided under Rule- 12 A of the Bihar Prohibition & Excise Rules,
2021 (hereinafter referred to as ‘the Rules’).

4. In the above circumstances, if the petitioner files an
application under Rule-12A of the Rules, and if the vehicle is not
already auction sold or disposed of in any manner till date, then the
same shall be considered by the Confiscating Authority i.e., the
District Magistrate, Gopalganj (Respondent No.2), and if directed
to be released on payment of penalty, the vehicle in-question shall
be released immediately, on such payment being made.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Shyambihari/
sumit-

AFR/NAFR	
CAV DATE	
Uploading Date	25-04-2023
Transmission Date	

