

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5669 of 2023

Abhimanyu Kumar Son of Late Ratan Singh, Resident of Village-Hathioul,
Dhanauji, Police Station-Pakaridayal, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Govt. of Bihar, Patna.
2. The Excise Commissioner Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, East Champaran, Motihari.
4. The Superintendent of Police, East Champaran, Motihari.
5. The Officer in Charge, Kundwa Chainpur Police Station, District-East Champaran.
6. The Officer in Charge, Pakadidayal Police Station, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate
For the Respondent/s : Mr.Vikash Kumar, SC 11

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-05-2023

The petitioner is concerned with his motorcycle bearing Registration No. BR05Y-0914, Engine No. JA05EGH9L00640, Chassis No. MBLJAR037H9L01212, which was seized in a crime registered under the Bihar Prohibition and Excise Act. An FIR was registered on 31.05.2022 as Kundwa Chainpur P.S. Case No. 111 of 2022. The



charge was that 135 litres of liquor was found and recovered from the vehicle. The petitioner apprehends confiscation proceedings.

Learned counsel for the petitioner submits that the petitioner's vehicle was stolen on 25.02.2022, the theft was reported to the Police Station and an FIR bearing Pakaridayal P.S. Case No. 61 of 2022, was registered on 01.03.2022, as is evident from Annexure-3. The District Collector has not initiated the confiscation proceedings till date.

In such circumstances, the petitioner shall produce a certified copy of this judgment before the District Collector. The seizing authority shall ensure that the records are transmitted to the District Collector, within a period of one month from today. The District Collector shall post a date for hearing and the petitioner shall be issued with notices and after affording him an opportunity of hearing, the matter shall be decided, specifically dealing with the contention regarding the theft of the vehicle, for which an FIR was registered. If the FIR is found to be genuine, necessarily the vehicle should be released. Otherwise, the petitioner shall also be entitled to file an application under Rule 12A of the Bihar Prohibition and Excise Rules. The matter shall be concluded at any rate within 3



months from today.

Writ application is disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

M.E.H/uttam/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

