

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5909 of 2023

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Rajendra Yadav Son of Bigan Yadav, Resident of Village - Matiyariya, Police Station - Bagaha, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Excise Department, Government of Bihar, Patna.
2. The Commissioner, Excise Department, Bihar, Patna.
3. The Collector (District Magistrate), West Champaran, Bettiah.
4. The Superintendent of Police Bagaha Police District, West Champaran.
5. The Officer in Charge of Bagaha Police Station, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-05-2023

The petitioner is concerned with his vehicle bearing registration no. BR-22AQ-5496 which was seized on recovery of 15.5 liters of Indian made foreign liquor and an F.I.R was registered in connection with Bagaha P.S. Case No. 923 of 2022 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The petitioner apprehends confiscation of his vehicle and submits before us that he is ready to take his remedy under Rule 12A of the Bihar Prohibition and Excise Rules, 2021.



The learned Government pleader, on instructions, submits that the confiscation proceedings has not been initiated but the records have reached the District Collector.

In such circumstances, the petitioner shall approach the District Collector on any day after 18th May, 2023 and file an application for release of the vehicle under Rule 12A of the Rules. The District Collector shall consider the question of release and order release on payment of penalty, if it does not jeopardize public interest. The insured value of the vehicle shall also be determined with the petitioner directed to pay fifty percent of the same. If the penalty is deposited then the vehicle shall be released to the petitioner after verifying his claim of ownership. If the petitioner does not approach the District Collector before 05.06.2023, the confiscation proceedings shall be proceeded with.

Writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Aditya/Sujit

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.05.2023.
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