

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5922 of 2023

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Munna Kumar Sah Son of Jawahar Lal Resident of Muhalla-Rajapur PUI,
P.S. S.K. Puri, P.O.-GPO, District-Patna-800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Patna-800001
2. The Principal Secretary, Department of Excise, New Secretariat, Patna-800001.
3. The Collector-Cum-District Magistrate, Patna-800001.
4. The Superintendent of Police, Patna-800001.
5. The Station House Officer, Digha Police Station, Patna-800001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vikas Kumar Jha, Advocate
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 28-06-2023

In the instant petition, petitioner has prayed for the following relief(s):-

“(i) For issuance of an appropriate writ(s) in the nature of mandamus directing and commanding upon the respondent authorities to release the vehicle (Dezire Car) having Registration No. BR-01HA-0437, Engine No. K12NP7196210, Chassis No. MBHCZFB3SPA365266 in favour of the petitioner which has been seized in connection with Digha P.S. Case No. 199 of 2023 dated 18.03.2023 for the alleged offences under section 30(a)/37 of Bihar Prohibition & Excise Act



(Amended), 2018 as the petitioners are the valid owner of the said vehicle (Car).

(ii) For any other writ/writs, order/order; directions in the teeth of the facts and circumstances of this case.”

2. On 26.04.2023, the following order was passed:-

“The vehicle bearing Registration No. BR-01HA-0437, Engine No. K12NP7196210, Chassis No. MBHCZFB3SPA365266 shall be provisionally released on the petitioner providing security bond with no sureties within a period of two weeks from the date of receipt/production of a copy of this order.

It is also directed that the petitioner shall be given notice of the confiscation proceedings and the confiscation proceedings shall be conducted within a further period of two months.

Post this case on 28.06.2023.”

3. This Court has directed concerned authority to release the vehicle bearing Registration No. BR-01HA-0437 and Chassis No. MBHCZFB3SPA365266 provisionally.

4. Learned counsel for the respondents submitted on instruction that on 24.06.2023 confiscation proceedings was finalized while imposing certain fines. Against such order petitioner has remedy before the appellate authority. He is permitted to invoke such appeal before the appellate authority if he intends to do so.



6. With above observation the present petition stands disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2023
Transmission Date	NA

