

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6422 of 2023

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Rambabu Kumar, Son of Surendra Patel, Resident of Village - Rulhi, Police Station - Majhauriya, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition Excise and Registration, Government of Bihar, Patna.
2. The Secretary Department of Prohibition, Excise and Registration, Government of Bihar, Patna.
3. The Director General of Police Government of Bihar Patna.
4. The District Magistrate East Champaran.
5. The Superintendent of Police East Champaran at Motihari.
6. The Officer-in-charge Turkauriya (Banjariya O.P.) Police Station, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Respondent/s : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-05-2023

1. The petitioner is concerned with his motorcycle bearing Registration No. BR22AU-9315, Engine No. HA11EDMHC41193, Chassis No. MBLHAW126MHC19008, which was seized in a crime registered under the Bihar Prohibition and Excise Act. An FIR was registered on 04.03.2023 as Turkauriya (Banjariya) P.S. Case No. 287 of 2023. The charge was that 48 litres of country made liquor was



found and recovered from the vehicle. The petitioner apprehends confiscation proceedings.

2. Learned counsel for the petitioner submits that the petitioner's vehicle was stolen on 15.01.2023, the theft was reported to the Police Station and an FIR bearing Sugauli P.S. Case No. 31 of 2023, was registered on 16.01.2023, as is evident from Annexure-2. The District Collector has not initiated the confiscation proceedings till date.

3. 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.



4. Writ application is disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

shashank/sumit-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2023
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