

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7301 of 2023

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Dhanraj Kumar @ Dhanraj S/o Babulal Ram Resident of Village-Sabda, P.S.-
Roh, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Director General Of Police, Bihar, Patna.
4. The District Magistrate, Nawada.
5. The Excise Superintendent of Police, Nawada.
6. The Station Head Officer, Police Station, Akbarpur, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Deo Raj, 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 : 19-05-2023

Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner is concerned with his vehicle i.e. Splender Motorcycle bearing Registration No. JH-11T-4426. The vehicle was intercepted and detained on recovery of 12 litres of country made liquor. An F.I.R. was registered as Akbarpur P.S. Case No. 562 of 2020 on 30.09.2020.

3. Learned Government Advocate, on instructions, submits that the requisition is sent on 16.03.2023 and the confiscation proceedings are awaited. However, petitioner's counsel submits that he would approach the District Collector,



Nawada under Rule 12A of the Bihar Prohibition and Excise Rules, 2021.

4. In such circumstances, the petitioner will have to appear before District Collector, Nawada. If the petitioner so desires, he can file an application under Rule 12A of the Bihar Prohibition and Excise Rules, 2021 upon which, the Authority would have to necessarily examine, whether the release would jeopardize public interest or not, as has been provided under the Rule. If he finds that, it would not, then the determination of the insured value of the vehicle shall be carried out and the penalty shall be directed to be paid. If the vehicle is found to be enabled for release and the penalty is paid, then the release shall be made as expeditiously as possible.

5. We make it very clear that we have not made any observation on merits and it is for the District Collector, Nawada, to consider the issue exercising the discretion conferred judiciously.

6. The writ petition is disposed of with the aforesaid observations/directions.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.05.2023
Transmission Date	

