

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6712 of 2023

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Renu Devi Wife of Shambhu Singh Resident of Mohalla- Mahisoudi, P.S. and District Jamui

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate Jamui
3. The Superintendent of Police Jamui.
4. The Officer-in-Charge Malaypur Police Station, District Jamui.
5. The District Excise Superintendent Jamui

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar
For the Respondent/s : Mr. Vivek Prasad (GP 7)

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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 : 18-07-2023

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

“(i) For issuance of writ in the nature of mandamus commanding and directing the respondent authority to release vehicle Bus (public carrier) bearing Registration No. BR46-5350, Chasis No. MAT751025JFH15452, Engine No. 3LNGDICR10HRY508897 which has been seized in connection with Malaypur P.S. Case No. 26/2023 registered for the offences punishable under Section 30(a) and 32 of the Bihar Prohibition & Excise Act in favour



of the petitioner who is owner of the vehicle even under the background of admitted fact that nothing been found/recovered inside on or upon the said vehicle.

(ii) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

2. On 19.05.2023, following order has been passed:-

“Vehicle has been seized and confiscation proceeding has been initiated only on the grounds that the Seizing Officer, on information received of transportation of contraband liquor, reached the place and found the bus parked with the contraband outside.

We would like to know whether there is anything to authenticate such information. Otherwise any Seizing Officer could allege a nearby vehicle with such transportation even if the contraband is recovered from the premises in which the vehicle is parked.

Hence, we direct the District Collector, for the moment, to keep in abeyance the confiscation proceeding and release the vehicle to the petitioner on his furnishing an undertaking not to alienate the vehicle in any manner and to produce the same before the District Collector on demand. The petitioner shall also execute a security bond, without any sureties, for the value of the vehicle.

The State shall file a counter affidavit



specifically on the points aforementioned.
Post on 18.07.2023.”

3. Interim direction of this Court is stated to have been implemented in releasing the petitioner’s vehicle, then nothing remains in the present petition. However, the concerned respondent is at liberty to act in accordance with relevant provisions. For the purpose of releasing of vehicle, certain percentage of amount is required to be deposited by the petitioner. Such proceeding shall be undertaken within a period of two months from today.

4. At the same time, the petitioner is at liberty to question the validity of any action of the respondent in accordance with the statutory provision before this Court.

5. Accordingly, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	
Uploading Date	20.07.2023
Transmission Date	

