

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6614 of 2023

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Raghunandan Kumar, S/o Sadanand Mandal, R/o Near Law College Purnea
Gwal Tolli Madhubani, P.S.- K.Hat District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Registration, Excise and Prohibition Department Government of Bihar, Patna.
2. The Commissioner, Excise, Registration Excise and Prohibition Department Government of Bihar, Patna.
3. The District Magistrate, Gaya.
4. The Superintendent of Police, Gaya.
5. The Superintendent of Excise, Gaya.
6. The Station House Officer, Barachatti Police Station Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr. Kumar Manish (SC-5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 04-05-2023

Petitioner is concerned with the vehicle (Tata Nexon) bearing Registration No. BR-11AT6951, Chassis No. MAT627132LLK30260, Engine No. 15CR05KZXWO7346, which was seized on 20.03.2023 and an F.I.R. registered as Barrachatti P.S. Case No. 298/2023 dated 20.03.2023. From the petitioner's vehicle 375 ml. Blenders Pride liquor was recovered.

Learned State counsel on instructions submits that



proposal for confiscation was sent on 30.04.2023. In fact, when the seizure was made on 20.03.2023, it was incumbent on the detaining authority to have sent a requisition earlier especially since the time contemplated as per the rules is within thirty days and the confiscation also to be effected within a period of ninety days. The procedure having not been followed and the quantity being very minimal, we are of the opinion that the vehicle can be released on payment of penalty of Rs. 20,000/- (twenty thousand). On payment of penalty of Rs. 20,000/- (twenty thousand) before the authority concerned, the vehicle shall be released in favour of the petitioner and he shall be absolved from the confiscation proceedings.

The writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

P.K.P./Anushka

AFR/NAFR	
CAV DATE	
Uploading Date	09.05.2023
Transmission Date	

