

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12311 of 2021

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Sadhu Saran Prasad @ Sadhu Saran Pd. Son of Shri Sidheshwar Prasad @
Kameshwar Prasad, Resident of village - Dasturpar, P.O.- Dharampur, P.S. -
Tharthari, District - Nalanda.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. The Additional Chief Secretary-cum-Special Superintendent Prohibition,
Bihar, Patna.
3. The Excise Commissioner, Bihar, Patna.
4. The District Magistrate, Patna.
5. The Excise Court-cum-Senior Additional Collector, Patna.
6. The Superintendent of Police, Patna.
7. The Station House Officer, Gardanibagh Police Station, District - Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Amrit Abhijat, Adv.

For the State : 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 : 20-04-2023

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



2. The writ petition arises under the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act'). The petitioner is concerned with Innova Crysta 2.4G bearing registration No. BR-21P-9604, Engine No. 2GDA265389, Chassis No. MBJB8EM201555527-1218, which was seized on 26-09-2020, in connection with Gardanibagh P.S. Case No. 493 of 2020, dated 26.09.2020, for the offences under Sections 30(a)/34 of the Act, with 26.400 litres of country made liquor. The petitioner's vehicle was confiscated by the District Magistrate, Patna. The appeal and revision also stood rejected. The revisional order is dated 06-04-2021 (Annexure-6).

3. The petitioner now seeks for release of the vehicle in-question on payment of 50% of the insured value, as has been provided under Rule- 12 A of the Bihar Prohibition & Excise Rules, 2021 (hereinafter referred to as 'the Rules').

4. In the above circumstances, if the petitioner files an application under Rule-12A of the Rules, and if the vehicle is not already auction sold or disposed of in any manner till date, then the same shall be considered by the Confiscating Authority i.e., the District Magistrate, Patna (Respondent No.4), and if directed to be released on payment of penalty,



the vehicle in-question shall be released immediately, on
such payment being made.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Shyambihari/
Rajkishore/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.04.2023
Transmission Date	

