

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6933 of 2023

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Sundari Devi, Wife of Dinesh Paswan, Resident of Mohalla- Bharatpur Simli,
Patna City, Police- Station- Chowk, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Excise Department, Government of Bihar, New Secretariat, Patna-1
2. The Commissioner of Excise, Government of Bihar, New Secretariat, Patna-1.
3. The Collector cum District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The S.H.O., Gaurichak Police Station, Patna.
6. The Assistant Commissioner of Excise, Patna.
7. The Superintendent of Excise, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-05-2023

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

2. The writ petition arises under the provision of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act'). The petitioner's vehicle i.e. Hero Honda Glamour motorcycle bearing Registration No. BR 01FE8481, Chassis No. MBLJAW155LGG06424, Engine No. JA07ACLGG06472 was



detained on recovery of 80 litres of country made liquor, in connection with Gauri Chak P. S case No. 588 of 2022 dated 04.09.2022, for the offence under Sections 30(a)/36 the Act.

3. Petitioner is the *bona fide* owner of the vehicle in-question.

4. The learned counsel for the State submits that confiscation proceeding in Confiscation Case No. 949 of 2023 has been concluded and hands over a copy of the order of the confiscation proceeding to the learned counsel for the petitioner.

5. In such circumstances, it is for the petitioner to avail the appellate remedy, as copy of the confiscation order has been duly served on the learned counsel for the petitioner, or seek for release of the vehicle, on payment of 50% of the insured value, as has been provided under Rule- 12A of the Bihar Prohibition & Excise Rules.

6. If an application under Rule-12A is filed, the Confiscating Authority i.e. the Collector-cum-District Magistrate, Patna (Respondent No. 3), would decide whether in public interest it would be expedient to release the vehicle. If it is decided that the vehicle be released, then the Collector-cum-District Magistrate, Patna (Respondent No. 3) shall determine the insured value of the vehicle in-question and release the same



on deposit of the penalty amount; which exercise shall be concluded, at any rate, within a period of one month from the date of receipt of a certified copy of this judgment.

7. Writ petition stands disposed of.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18.05.2023
Transmission Date	

