

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15990 of 2022

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Sunil Kumar, S/o Giridhari Singh, Resident of Mohalla-Jahaj Ghat Nagar
Parishad Buxar, P.S.-Buxar (Town), District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Bihar Excise Department at Patna.
2. The Excise Commissioner, Bihar Excise Department at Patna.
3. The Collector of District Buxar at Buxar.
4. The Superintendent of Police, Buxar at Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar Gupta, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-01-2023

The petitioner has prayed for the following relief/s :-

“(i) For setting aside order dated 27.09.2022 passed in Case No. 131/2017 by the learned Collector, Buxar whereby and whereunder petitioner was directed to pay half of valuation of vehicle which was fixed by District Transport Officer, Buxar.

(ii) For giving direction to respondent to



accept the half of insured amount of vehicle.”

Having given thoughtful consideration to the submissions made across the bar as also perused the material on record, we are of the considered view that the Collector-cum-District Magistrate, Buxar seriously erred in recording his finding that as on date of the occurrence of the crime, the insurance policy was not valid. As per the policy, the insured value in terms of the policy is Rs.1,20,000/- whereas in terms of the exercise undertaken by the authorities by virtue of Section 12 A (2) of the Bihar Prohibition and Excise (Amendment) Rules 2022, the determined value is Rs.2,00,000/-.

The vehicle in terms of order dated 27.09.2022 (Annexure-1) stands directed to be released on payment of 50% of the value of Rs.2,00,000/- which direction in our considered view needs to be rectified for as on the date of the occurrence of the crime, the vehicle was insured with a value of Rs.1,20,000/-.

As such, the impugned order dated 27.09.2022, passed in Case No.131/2017 is modified. The vehicle shall be released in the event of furnishing security of 50% of Rs.1,20,000/- in stead of Rs.2,00,000/-.

The present petition stands disposed of in the



aforesaid terms.

Interlocutory application, if any, stands disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	25.01.2023
Transmission Date	

