

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.423 of 2023

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Nitesh Kumar, Son of Vijay Pratap Singh, Resident of Village- Mahabir Bigha
Pali Road, Dehri, P.S.- Dehri, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of the Excise Department, Bihar at Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The Superintendent of Excise, Rohtas at Sasaram.
5. The Investigating Officer of Police Station Dehri Town, District- Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh, 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 ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 03-04-2023 The instant writ application has been filed for release of the vehicle i.e. Splendor Plus Motorcycle bearing registration No. BR24AF-0125, Engine No. HA11EYMHF66927, Chassis No. MBLHAW128MHF88419, which has been seized in connection with Dehri Town P.S. Case No. 545 of 2022 under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018 (hereinafter referred as “Act”). The vehicle in question has been seized on 20.07.2022.

2. Parties are in agreement that the issue of release of



seized vehicles under the Act, confiscation of which have remained pending for such a long period is covered by earlier decision of this Court in the case of ***Rinju Devi versus State of Bihar and Ors.*** in ***C.W.J.C. No. 14659 of 2022.*** The instant case is thus being considered with a view to its final disposal.

3. In the case of ***Rinju Devi*** (supra) the Collector (Confiscating Authority) was directed to provisionally release the petitioner's vehicle on reasonable condition, pending the confiscation proceeding, as per directions dated 07.02.2020, jointly issued by the Additional Chief Secretary, Home Department-cum-Excise (Prohibition) and Registration Department, Government of Bihar, and the Director General of Police, Bihar. Relevant extract of the decision dated 22.02.2023 passed by this Court in the case of ***Rinju Devi*** (supra) reads as follows:-

“7. For the aforesaid reason, while disposing of the present writ application with a direction to the confiscating authority who is Collector, West Champaran, Bettiah, to provisionally release the petitioner's vehicle on reasonable condition, pending the confiscating proceeding, we direct all concerned to abide by the directions jointly issued by the Additional Chief Secretary, Home Department-cum-Excise (Prohibition) and Registration Department,



Government of Bihar, and the Director General of Police, Bihar, as contained in the letter dated 07.02.2020, so as to minimize unnecessary cases coming up before this Court. Any deliberate breach of the said communication shall be treated to be contempt of this Court and person(s) concerned shall be liable to face consequential action under the Contempt of Court Act, 1971, apart from the disciplinary action under appropriate rules governing their service conditions, as may be deemed fit by the authorities.

8. This writ application stands disposed of with the aforesaid observations and directions.”

4. Writ application is thus disposed of for release of the vehicle in the same terms, if not already sold in auction or released.

(K. Vinod Chandran, CJ)

(Madhuresh Prasad, J)

Anushka/PKP

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