

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17482 of 2022

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Santlal Yadav Son of Late Baljeet Yadav resident of Village- Tekagadha @
Tekangadha, Police Station- Jiyanpur in the district of Azamgarh (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Siwan.
4. The Superintendent of Police, Siwan.
5. The Officer-in-charge, Gudhani P.S. in the district of Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv
For the Respondent/s : Mr.Kumar Manish (SC 5)

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

Date : 02-02-2023

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

"To direct the respondents to release the Vitara Brezza Car (Maruti) of the petitioner bearing Reg. No. UP50AX-9344 in favour of the petitioner. Which has been seized in connection with Gudhani P.S. Case No. 249 of 2022 registered for the offence punishable Under Sections 30(a) Bihar Prohibition and Excise Act, 2016."

Allegation is of recovery of 2 litre of illicit liquor from the seized vehicle of the petitioner.



Petitioner claims to be the owner of the said vehicle. It is further submitted that a meagre quantity of 2 litre of liquor has been recovered from the vehicle, as such, it cannot be inferred that the vehicle was used for transporting/carrying illicit liquor, nor it can be presumed that recovered illicit liquor was kept for sale/purchase/ trade purpose and it appears that same was kept for personal consumption.

In the facts and circumstances of the case, **the District Magistrate/Confiscating Officer concerned** is directed to provisionally release the vehicle of petitioner after due identification of ownership of the vehicle on production of ownership and registration papers with respect to vehicle in question in his/her name and on furnishing adequate sureties to the satisfaction of District Magistrate / Confiscating Authority and undertaking.

The release shall be allowed within a period of 14 days from the date of submission of the sureties and the undertakings as stated above, which would however be subject to finalization of the confiscation proceeding.

Petitioner is also at liberty to get his/her vehicle released on payment of penalty in terms of Rule 12(A) inserted by amending Bihar Prohibition and Excise Rules, 2021.



With said observation and direction, this writ petition
is disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

