

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17486 of 2022

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Dheeraj Kumar Giri Son of Ashok Giri Resident of Chhoti Mandir, Buldel
Khand, P. S.-Bihar, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise,
Government of Bihar, Patna. Bihar.
2. The Principal Secretary, Department of Excise, Government of Bihar, Patna,
Bihar
3. The District Magistrate Cum Collector, Nalanda.
4. The Superintendent of Police, Nalanda.
5. The Officer-in-Charge, Excise, District-Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Saket Tiwary, Adv
For the Respondent/s : Mr.Kumar Manish (SC5)

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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):-

"For issuance of an appropriate writ/order/direction commanding and directing the respondents to release the car of the petitioner namely white Hyundai Creta bearing registration No. BR01DD-3120, Chassis No. MALC181 RLGM176633 and Engine No. D4FCGM196909 which has been seized by the police in connection with Nalanda Excise Police Station Case No. 270 of 2022 for the offences under Sections 37 and 30(a) of the Bihar Prohibition & Excise Amendment Act, 2016 in favour of the petitioner to the satisfaction of learned Collector/Special Judge, Excise, Nalanda, on such term or terms as this Hon'ble Court deems fit and proper."



Allegation is of recovery of 2.250 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 2.250 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

