

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.454 of 2023

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Pappu Prasad Son of Late Mohan Lal Prasad, Resident of Village- Parsagarh Bazar, Post- Parsagarh, P.S.- Ekma, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Excise Superintendent, Gopalganj.
6. The Officer in Charge, Fulwaria, P.S., District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pritish Ranjan
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 ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-02-2023 Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“I. To release the vehicle i.e. Bolero Pickup vehicle in favour of the petitioner bearing Registration No. BR04GA9262, Chassis No. MA1ZN2TNKL1H36722, Engine No. TNL1H49135 seized in connection with Fulwaria P.S. Case No. 423 of 2022 registered U/Ss 30 (a) of Bihar Prohibition and Excise Act 2018.

II. For direction to the respondents to release the Bolero Pickup Vehicle bearing Reg. No.



BR04GA9262. Chassis No.
MA1ZN2TNKL1H36722, Engine No.
TNL1H49135 as the petitioner is the registered
owner of the said vehicle.

III. For any other relief or reliefs for which the
petitioner is entitled in the facts and
circumstances of the case.”

Allegation is of recovery of 2.8 litres 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 2.8
litres 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)

Spd/-Sujit

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