

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18433 of 2022

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Md. Ziayul Eqwal @ Mister Son of Md. Muzaffar Eqbal @ Sajju Mian,
Resident of Village- Panchmahalla, Gilanpar, P.O., P.S. and District-
Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary of the Excise Department, Bihar, Patna.
2. The District Magistrate, District- Jehanabad.
3. The Superintendent of Police, District- Jehanabad.
4. The Additional Collector, District- Jehanabad.
5. The Deputy Superintendent of Police, District- Jehanabad.
6. The Officer Incharge, P.S. Jehanabad, District- Jehanabad.
7. The Investigation Officer, P.S. Jehanabad, District- Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Ranjan Sinha, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

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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):-

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- I. To direct the concerned Respondents to release the seized Bullet Motorcycle bearing Registration No. B.R.-02AK-3627 of the petitioner which has been wrongly/ illegally seized in connection with



Jehanabad P.S. Case No. 135/22 dated 01.03.2022 under section-279, 337, 338 of I.P.C. and 33(c) of Bihar Prohibition and Excise Amendment Act 2018 illegally forthwith.

- II. To direct the concerned Respondents to disposed of the petitioner filed by the petitioner before the Respondent no. 2 District Magistrate, Jehanabad received on 15.07.2022 forthwith.
- III. To grant any other relief/ reliefs which the petitioner may found entitled in the facts and circumstances of the case.

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FIR No. 135/22 dated 01.03.2022 stands registered under Sections 279/337/338 of the Indian Penal Code.

It is the common case of the parties that the vehicle was not seized in terms of and under the provisions of the Bihar Prohibition and Excise Amendment Act, 2018 but under the provisions of the Indian Penal Code.

In this view of the matter, the petitioner has to move an application before the appropriate Court for seeking release of the vehicle.

We expect the concerned court to positively decide the application in accordance with law expeditiously and preferably within a period of four weeks from the date of its



presentation.

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	03.02.2023
Transmission Date	

