

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.639 of 2023

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Sujit Kumar Son of Sri Bindeshwari Prasad Gupta, Resident of Sector-1, Patel Nagar, P.S. Dhurwa, Town and District-Ranchi (Jharkhand), PIN-834004.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Government of Bihar, New Secretariat, Patna.
2. The Commissioner of Excise, Department of Prohibition and Excise, Government of Bihar, New Secretariat, Patna.
3. The District Magistrate-Cum-Collector, Banka.
4. The Superintendent of Police, Banka.
5. The Officer-in-Charge, Chandan Police Station, District-Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, 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 ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 02-02-2023 Petitioner has prayed for the following relief(s):-

“That the present writ petition is being filed on behalf of the petitioner for a direction/directions to command the respondents to release the Scorpio vehicle of the petitioner bearing Registration No. JH-01-EU-8953 which was seized in connection with Chandan P.S. Case No. 216/2022 dated 16.10.2022, instituted under section 30(a) of Bihar Prohibition and Excise Act, 2016 and for further order/orders, relief/reliefs for which in the facts and circumstances of the case the petitioner may entitled to.”

Allegation is of recovery of 1.5 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 1.5 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)

Prakash/-

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