

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.93 of 2023

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Dolly, daughter of Ghanshyam Prasad Singh, resident of Mohalla S.D.O. Road, Near S.P. Kothi, P.S.- Town, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Commissioner, Excise Department, Government of Bihar, Patna.
3. The Collector-cum- District Magistrate, Vaishali.
4. District Transport Officer, Hajipur Vaishali.
5. The Excise Superintendent, Vaishali.
6. S.H.O. of Hajipur Sadar Police Station, Vaishali.
7. Investigating Officer Hajipur Sadar P.S. Case No. 815/2021.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate Ms. Bela Singh, Advocate
For the Respondent/s	:	Mr. Vikash Kumar, SC-11

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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) For directing and commanding the respondents to release provisionally the Mahindra KUV-100 bearing its registration no. BR-31-PA-3426, in favour of the petitioner as she is the real owner of its



Mahindra KUV-100 car , seized in Hajipur Sadar P.S. case no. 815/2021 dated 14.9.21, lodged under 279, 427 I.P.C. and section 37(c) Bihar Prohibition and Excise Amendment Act, 2018.

- (ii) For directing and commanding the respondents to take immediate an appropriate action with respect to release the said Mahindra KUV-100 car as valuation of the said seized car is decreasing day by day.
- (iii) And also for any other relief / relieves for which petitioner is found to be legally entitled under the facts and circumstances of the case.

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Vaishali Sadar Police Station Case No. 815/21 dated 14.09.2021 stands registered under Sections 279/427 of the Indian Penal Code and Section 37(c) of the Bihar Prohibition and Excise Amendment Act, 2018.

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	

