

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6225 of 2024

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Sobu Kumar Pandey Son of Late Dudheshwar Pandey Resident of Village-
Dariyapur, P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Director General of Police, Patna.
3. The Inspector General of Police, Bihar, Patna.
4. The District Magistrate-cum- Collector, Patna.
5. The Senior Superintendent of Police, Patna.
6. The S.H.O., Gardanibag Police Station, Patna.
7. The Investigating Officer, Gardanibagh P.S. Case No.- 46 of 2024,
Gardanibagh Police Station, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shyam Kishore, Advocate
For the Respondent/s : Mr. Rajesh Kumar, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-04-2024

The learned counsel for the petitioner submits that there

are certain typographical errors crept in the pleadings and he may

be permitted to correct it.

2. Accordingly, permission is granted.

3. In the instant petitioner, petitioner has prayed for the

following relief(s):-

A. *A writ in the nature of MANDAMUS or any
other appropriate writ/s, order/s directing the
Respondent Authorities the following :-*



- i. To release the Swift Dezire Vehicle bearing Reg. No. BR01HH 0684, Chasis No. MBHCZFB3SPH465981, Engine No. K12NP7332079 which has been seized in Gardanibagh P.S. Case No. 46 of 2024 dated 19.01.2024 instituted for offence under sections 30(a), 34 of the Bihar Excise & Prohibition Act, 2022.*
- ii. In alternate to direct the Respondent Authorities to release the Swift Dezire Vehicle bearing Reg. No. BR01HH 0684, Chasis No. MBHCZFB3SPH465981, Engine No. K12NP7332079 till the competition of confiscation proceeding on deposit of security valuable to the car / penalty amount.*
- iii. To hold that the actions of the Respondent Authorities are not tenable in the eye of law and violation of Article 300A of the Constitution of India.*
- iv. To hold that the actions of the Respondent Authorities amount to double jeopardy.*
- B. To any other relief/s to which the petitioner is found entitled to.*

4. Prima facie, no liquor has been recovered from the subject matter of Motor vehicle in such circumstances, there is no point in seizing the subject matter of vehicle for the offences under the Excise Act. Therefore, the concerned authority is hereby directed to release the subject matter of vehicle in favour of the petitioner after due identification with reference to motor vehicle record and person. Petitioner is hereby directed to furnish bank guarantee. Till disposal of confiscation proceedings and



consequential proceedings, petitioner shall not sell the subject matter of vehicle in creating third party right, such bank guarantee shall be for a period of six months. The concerned authorities are hereby directed to conclude the confiscation proceedings and other proceedings, if any, within a period of six months from the receipt of this order. Vehicle shall be released within a period of one week from today.

5. With the above observation, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Amitkumar/
Alok

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.04.2024
Transmission Date	N/A

