

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1730 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- PHULWARIYA District- Gopalganj

SUBHASH @ SUBHASH CHANDER SON OF RAM CHANDER
RESIDENT OF VILLAGE- 78/3 BAYYANPUR (207) BEYANPUR, PS-
SECTOR 27 SONIPAT, DISTRICT- SONIPAT HARYANA- 131001

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH COMMISSIONER-CUM-
SECRETARY HOME SPECIAL, GOVERNMENT OF BIHAR, PATNA
BIHAR
2. THE COMMISSIONER-CUM-SECRETARY HOME SPECIAL, GOVT.
OF BIHAR, PATNA BIHAR
3. COMMISSIONER-CUM- SECRETARY, DEPT. OF EXCISE, GOVT. OF
BIHAR, PATNA BIHAR
4. THE DISTRICT MAGISTRATE, GOPALGANJ BIHAR
5. OFFICER-IN-CHARGE, SECTOR 27 POLICE STATION SONIPAT,
HARYANA BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mahendra Prasad Bhartee
For the Respondent/s : Mr. Vivek Prasad

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL JUDGMENT

Date : 27-09-2024

Heard learned counsel for the petitioner and
learned counsel for the respondents.

2. This petition has been preferred by the
petitioner for release of vehicle bearing Registration No. DL-
09CAN-8179 Chassis No. MA3NYFBISHJ 289150 Engine No.
DI3A-5516962.

3. Learned counsel for the petitioner submits that
petitioner is a resident of Sonipat, Haryana and the owner of the



vehicle as mentioned in paragraph no. 2 of the Judgment. According to the learned counsel, the vehicle was stolen on 03.01.2023 and on the basis of the report lodged by the petitioner, the offence under Sections 379 of the Indian Penal Code has been registered against the unknown persons. Later on, the said vehicle was seized by Phulwariya Police of Gopalganj, Bihar on 26.01.2023 loaded with 558 liters liquor.

4. Since the petitioner is the owner of the said seized vehicle and he has no knowledge about transporting of the alleged illegal liquor by the accused persons. Therefore, it is prayed by him that the vehicle be released in favour of the petitioner.

5. During course of argument, it is informed by the learned counsel for the State that the alleged vehicle bearing Registration No. DL-09CAN-8179 Chasis No. MA3NYFBISHJ 289150 Engine No. DI3A-5516962 has already been confiscated by the Collector, Gopalganj in Confiscation Proceeding No. 576 of 2023 and the vehicle has already been auctioned and sold for the amount of Rs. 5,25,000/- on 24.08.2023.

6. Since the vehicle has already been confiscated and sold in compliance of the Confiscation Order dated 15.04.2023, the said order is a appealable order, therefore, the



alternative remedy is available to the petitioner. At this stage, the learned counsel for the petitioner submits that he may be permitted to withdraw this petition giving him liberty to file an appeal before the competent authority against the order of confiscation dated 15.04.2023.

7. Taking into consideration the above facts and circumstances of the case and having considered the submission made on behalf of the learned counsel for the petitioner, the petition is disposed of giving liberty to the petitioner to file a duly constituted appeal against the order of confiscation dated 15.04.2023 before the competent authority. It is further directed that on the submission of such appeal, the competent authority will decide the same as early as possible preferably within three months from filing of the appeal in accordance with relevant rules and law.

(Arvind Singh Chandel , J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.10.2024
Transmission Date	03.10.2024

