

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2603 of 2024

Arising Out of PS. Case No.-237 Year-2022 Thana- HARLAKHI District- Madhubani

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Vinay Kumar S/O Ramsundar Mahto R/O Village- Pipraun, P.S- Harlakhi,
Dist.- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Excise and Registration Government of Bihar, Patna
2. The District Magistrate, Madhubani. Bihar
3. Superintendent of Excise, Madhubani. Bihar
4. The Superintendent of Police, Madhubani. Bihar
5. The Officer-in-Charge, (S.H.O.) Harlakhi Police Station, District- Madhubani Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sandeep Jha
For the Respondent/s	:	Mr. G.P.22
		Mr. Narendra Kumar Singh AC to GP 22

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 06-05-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. This application has been for directing the respondents authorities concerned to release the vehicle in question which has been seized pursuant to lodging of FIR bearing Harlakhi P.S. Case No. 237 of 2022 for the offence under Sections 272, 273 of the IPC, Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act and under Sections 20/22 of the NDSP Act.

3. Paragraph No. 9 of the counter affidavit reads as



follows:

“9. That after the failure on the part of the vehicle owner of the seized vehicle in question and after giving several dates for the vehicle owner to appear before the court with valid document, the confiscation court was pleased to pass an order dated 20.01.2023 confiscating the seized vehicle in question being a silver color Maruti Suzuki Eeco bearing Registration No. BR-07AL-2690, having Engine No. G12BN759965 and Chassis No. MA3ERLF1800776099 under Section 58 of the Bihar Prohibition and Excise Act, 2016.”

4. In view of the fact that the vehicle in question has been confiscated in an appropriate proceeding, the petitioner is permitted to take appropriate steps before the Appellate Authority in accordance with law.

5. The petitioner may file an application for interim release of the vehicle in question before the Appellate Authority which shall be considered by the Appellate Authority in accordance with law and in view of the law laid down by the Hon'ble Supreme Court and this Court.

6. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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