

(2020) 12 PAT CK 0370

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 9044 Of 2020

Khursid Alam

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 14-12-2020

Acts Referred:

Citation : (2020) 12 PAT CK 0370

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Sharda Nand Mishra, Vivek Prasad

Final Decision : Disposed Of

Judgement

Heard learned counsel for the parties.

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

That this writ application is being filed for issuance of a writ in the nature of Mandamus for direction for releasing the the Pick Up vehicle bearing

Registration No. BR02Q-3539 which has been seized in Gurua PS Case No. 36/2020 and further issue direction to respondents release the Pick Up

vehicle bearing Registration No. BR02Q-3539 to the petitioner as he is ready to furnish surety for release and further give other legal consequential

benefit to the petitioner.

Petitioner has filed this case for release of his vehicle which was seized by the police carrying 500 Kgs of Mahua Phool.

In view of judgment and order dated 09.07.2019 passed by a Division Bench of this Court in CWJC No. 23163 of 2018 (Umesh Kumar @ Umesh

Mahato Vs State of Bihar and its analogous cases), recovery of mahua flower in its raw form itself does not constitute any offence under Bihar

Prohibition & Excise Act, 2016, as mahua flower does not come within the definition of intoxicant defined under section 2(40) of the Act unless it is converted into spirit or spiced spirit or is in process of such conversion.

The writ petition is disposed of with a direction to the petitioner to appear before the District Collector/Confiscating Officer, Gaya, on 28.09.2020 and

District Magistrate, Gaya shall provisionally release the vehicle of petitioner after due identification of ownership of the vehicle and on production of

ownership and registration documents with respect to vehicle in question in his name with two sureties (one local) to the extent of the value of the

vehicle as indicated in the insurance document.

The release shall be allowed within a period of 14 days from the date of submission of the sureties as stated above, which would however be subject to finalization of the confiscation proceeding.

With said observations, this writ petition is disposed of.