

(2020) 02 PAT CK 0274

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 11946 Of 2019

Rajiv Ranjan

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 19-02-2020

Acts Referred:

Bihar Prohibition And Excise Act, 2016 — Section 30(a)

Citation : (2020) 02 PAT CK 0274

Hon'ble Judges : Dinesh Kumar Singh, J; Anil Kumar Sinha, J

Bench : Division Bench

Advocate : Amresh Kumar Sinha, Shashi Bhushan Singh, Vivek Prasad

Final Decision : Disposed Of

Judgement

Heard learned counsels for the parties.

The present writ application has been filed for release of Maruti Dzire VXI (Maruti Suzuki) car of the petitioner bearing Registration No. BR 01DQ 3348, which has been seized in connection with Daniawan P.S. Case No. 40 of 2019, registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, as amended by Amendment Act 8 of 2018, (hereinafter referred to as 'the Act'). The prosecution case, as per the self statement of S.I. -cum-SHO, Daniawan Police station recorded on 10.3.2019 at 2.45 P.M. is to the effect that in the night of 9/10th March, 2019, on secret information the vehicle in question was intercepted from which two bottles of 750 ml each of Indian Made Foreign liquor were recovered and the petitioner was arrested, leading to registration of Daniawan P.S. Case No. 40 of 2019.

It is submitted by learned counsel for the petitioner that the petitioner is the registered owner of the vehicle in question and certificate of registration has been brought on record as Annexure-2 to the writ application. It is further submitted that the vehicle in question is rotting under the open sky. The writ application is pending since 17.6.2019. The petitioner is ready to produce the

vehicle in question before the concerned authority as and when required.

Mr. Vivek Prasad, learned GP 7, relying upon the counter affidavit filed on behalf of respondent No. 2, the Secretary, Department of Excise, Bihar, submits that Confiscation Case No. 180 of 2019-20 has been initiated wherein vide Memo No. 384 dated 27.4.2019, notices have been issued to the petitioner.

Considering the fact that confiscation proceeding has already been initiated wherein notices have been issued to the petitioner prior to filing of the present application, we are not inclined to interfere. However, it is expected from the Respondent No. 3, the District Magistrate, Patna to conclude the confiscation Case No. 180 of 2019-20 in accordance with law, if not already concluded, within a period of eight weeks from the date of receipt/production of a copy of this order. Needless to say, the petitioner is expected to appear regularly in the confiscation proceeding.

This writ application is, accordingly, disposed of.