

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10401 of 2017

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Ajay Singh S/o Late Brijdeo Singh resident of Village - Sonbarsa, P.S. Nabinagar,
District - Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Aurangabad.
3. The Commissioner, Excise, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.
For the Respondent/s : Mr. Kumar Manish- SC 5
Mr. Madan Mohan, AC to SC 5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 31-08-2017

Heard learned counsel for the parties.

In this case, the petitioner is only making a prayer for release of the vehicle, Scorpio Vehicle No. BR-26H-4775, which was found while carrying country made liquor. After seizure of the vehicle, Nabinagar P.S. Case No. 140 of 2016, was instituted against the petitioner.

As on today, the vehicle is standing at the police station. Learned counsel for the petitioner submits that the disposal of the confiscation case will take long time and the vehicle standing at the police station will be turned to a waste property, will not be of any use to any body and the power and jurisdiction to confiscate the property lying with the court or authority is a subject matter of L.P.A. No. 1647 of 2015 which is pending consideration.

As the matter is pending but, if the vehicle remains standing there at the police station will be a sheer loss and, after sometime, it will be



turned into junk. In that view of the matter, before release of the vehicle the petitioner must give an undertaking on affidavit that he will not change the feature of the chassis of the vehicle in any manner and as and when he will be required to produce the vehicle by the court or the authority will produce the same, before release of the vehicle, the photograph will be taken and on that photograph the chassis number and engine number and all other details will be recorded and he will give an undertaking that he will never challenge the vehicle was not used for carrying liquor. If the petitioner files such an undertaking on affidavit, the vehicle, in question, of the petitioner will be released after furnishing proper surety to the satisfaction of the Collector, Aurangabad with a condition that when it will be required, he will produce the same. It is also made clear that whenever the petitioner will be required for any repairing in the vehicle, it can only be done after taking prior permission from the Authority. On fulfillment of all the conditions aforesaid, the vehicle of the petitioner will be released. All processes should be completed within a period of eight weeks.

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

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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