

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2662 of 2018

Arising Out of PS. Case No.-233 Year-2018 Thana- GHORASAHAN District- East
Champaran

Patwari Rai S/o Late Saryug Rai Resident of Village-Mohaddinpur,
Rampur,P.S. Chiraya,Distt.-East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Excise
Govt. of Bihar Patna
2. The Principal Secretary, Department of excise Bihar,Patna
3. The District Magistrate, East Champaran, Motihari
4. The S.H.O. Jitana (Ghorasahan) Motihari,East Champaran
5. The A.S.I. Jitana (Ghorasahan) Motihari,East Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Respondent/s : Mr. Kumar Manish (Sc5)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-11-2018 This writ application has been preferred seeking
release of the Splendor Motorcycle bearing registration No.
BR05AA-3528 which has been seized allegedly in connection
with Gorasahan (Jitna) P.S. Case No. 233 of 2018 registered
under Section 30 (a) of Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that the
motorcycle in question was intercepted on 17.06.2018 and
allegedly, the Police has recovered 8.1 liters of country made
wine from the dickey of the motorcycle. Learned counsel
submits that till date of filing of the writ application i.e.
26.10.2018 no confiscation proceeding has been initiated in this
matter as no notice has been served upon the petitioner. It is



stated that the motorcycle in question is virtually getting destroyed in the Police Station and with further delay in release of the vehicle, it will become worthless and a junk. It is also submitted that in absence of a confiscation proceeding, there is no reason as to why the vehicle be kept under seizure for indefinite period particularly when the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court to protect the interest of the State.

Learned Counsel for the State is present and submits that he has no instruction otherwise than what has been stated by the petitioner in paragraph 9 of the writ application.

Considering facts and circumstance of the case where this Court finds categorical statement made by the petitioner that no confiscation proceeding has been initiated with respect to the vehicle in question, pending initiation/finalization of confiscation proceeding of the vehicle in question, let there be a provisional release of the vehicle in question on the petitioner producing document of ownership and registration in his name with two sureties to the extent of value of the vehicle as indicated in the insurance document to the satisfaction of the court below. The petitioner shall also furnish an undertaking stating that he would not deal with the vehicle in question and



shall produce the same as and when required by the court/authority.

Since no confiscation proceeding is said to be pending, the surety bond and undertakings shall be submitted in the court below, the court below shall thereupon issue release order within a period of seven days.

This writ application stands disposed off.

(Rajeev Ranjan Prasad, J)

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