

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17552 of 2018

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Anirudh Kumar Mandal Son of Mohan Mandal, Resident of Village- Kullati,
Police Station- Bhuptiyarhi, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The Collector, Supaul.
3. The Superintendent of Police, Supaul.
4. The S.H.O. Bhim Nagar O P Supaul Police Station, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary
For the Respondent/s : Mr.Anil Kr. Sinha- GA1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 01-04-2019

Leave is granted to the learned counsel for the petitioner to correct the registration number of the vehicle as mentioned in paragraph 1 and other places in the writ petition in the Court pleadings as well as in the pleadings of the respondents.

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The petitioner prays for provisional release of the Splendor Pro Motorcycle bearing Registration No. BR-32L-3423,



Chasis No. MBHA10A3EHD69893, Engine No. HA10ELEHD05170, which has been seized in connection with Virpur (Bhim Nagar O.P.) P.S. Case No. 23 of 2018 for the offences punishable under Sections 30A, 38(i) (ii), 41(i)(ii) of the Bihar Prohibition and Excise Act.

It is stated by learned counsel for the petitioner that confiscation proceeding is yet to be initiated and the vehicle is lying under the open sky in the police station. The seizure list reflects the seizure of 2.7 liters of Nepali liquor.

Having heard learned counsel for the parties and taking note of the nature of seizure made as well as the fact that the confiscation proceeding is yet to be initiated, we direct that the vehicle in question be released provisionally in favour of the petitioner on production of ownership and registration with respect to vehicle in question in his name before the designated court below with two sureties to the extent of the value of the vehicle as indicated in the insurance document. The petitioner while submitting the sureties shall also furnish the following affidavits/undertakings:

- (i) That the vehicle in question has never been involved in any offence of similar nature in past and shall not



indulge in similar offence in future.

(ii) That the petitioner shall not indulge in creating any third party right or interest in respect of the vehicle during the pendency of the confiscation proceeding, as and when initiated, and shall not alienate the vehicle during this period.

(iii) The petitioner shall furnish an undertaking to produce the vehicle before the confiscating authority as and when required.

(iv) Prior to release of the vehicle, the Court below would get prepared a *Panchanama* wherein the photograph of the vehicle shall be taken and will be certified by the petitioner and the same shall be kept on record so that in future if so required, it may be used as a secondary evidence. The petitioner shall furnish an undertaking not to challenge the said *Panchanama* in course of trial.

The release shall be allowed within a period of 14 days from the date of submission of the sureties and the undertakings as stated above. This release of the vehicle would, however, be subject to initiation and finalization of the



confiscation proceeding.

With the observations/directions above, this writ
petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.04.2019
Transmission Date	NA

