

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21153 of 2018

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Krishna Kumar Yadav Son of Ram Swarath Yadav, Resident of Village-
Dhataurapar, P.S.- Pandarak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary of the Home Department, Biahrr, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Superintendent of Excise, Patna.
4. The Excise Officer, District- Patna.
5. The Officer-in-Charge of Police Station- Pandarak, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Usha Kumari Singh, Advocate
For the Respondent/s : Mr. Vikash Kumar - SC11

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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 : 15-04-2019

None appears on behalf of the petitioner. Learned
counsel for the State is present.

The prayer is for provisional release of the Auto
bearing Registration No. BR21G-2481, Chasis
No.MBX0000WBNM427626, Engine No. WIM 3251921, which
has been seized in connection with Pandarak P.S. Case No. 88 of
2017 for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

It is stated by learned counsel for the State that



confiscation proceeding is pending and the seizure list reflects the seizure of 11.250 liters of IMFL.

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 pending, 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 Collector-cum-District Magistrate, Patna 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 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, a *Panchanama* would be got prepared by the Collector-cum-District Magistrate, Patna 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 would, however, be subject to finalization of the confiscation proceeding.

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

(Jyoti Saran, J)

(Arvind Srivastava, J)

Nasimul/Shailendra

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22-04-2019
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