

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3310 of 2019

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Guddu kumar Son of Surendra Seth Resident of Village- Alamganj, Police Station- Sasaram, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The District Magistrate-Cum- Confiscation Officer, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram.
4. The Station House Officer, Sasaram Officer, Sasaram(M) Police Station Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

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

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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 : 22-02-2019

Heard learned counsel for the petitioner and learned counsel for the State.

This application has been filed seeking provisional release of the vehicle bearing Registration No. BR-24V-7419, Engine No. G3C7E0124780 and Chasis No. ME1RG0617H0080663 which has been seized in connection with Sasaram (M) P.S. Case No. 311 of 2018 for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that confiscation proceeding is pending and the vehicle in question is lying under the open sky in the police station. The seizure list reflects the seizure of 40 litres of country made 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 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 District Magistrate- cum- Confiscation Officer, Rohtas at Sasaram with one surety along with a Bank Guarantee or original title deed of immovable property situated within the district to the extent of the value of the vehicle as indicated in the insurance document. The petitioner while submitting the surety and the bank guarantee or the original title deed, as the case may be, 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, if any, 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 District Magistrate- cum-Confiscation Officer, Rohtas at Sasaram 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 submissions of the one surety along with the Bank Guarantee and the undertakings as stated above. This release, however, would be subject to the final order passed in the confiscation proceeding.

With the observations, this writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

brajesh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

