

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3236 of 2019**

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Rajkumar Singh aged about 37 years (M) S/o Hareram Singh @ Hare Ram  
Pd. Singh Resident of Village- Bharouli Dhakjari, Ward No. 13, P.S.-  
Sonbarsa, Kachahari, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Prohibition Excise  
Registration Department, Government of Bihar, Patna.
2. The Principal Secretary, Prohibition Excise Registration Department  
Government of Bihar, Patna.
3. The Collector Saharsa.
4. The Superintendent of Police Saharsa
5. The Superintendent of Excise, Saharsa.
6. The S.H.O., Saharsa Sadar Police Station District- Saharsa.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Pawan Kumar  
For the Respondent/s : Mr.Vivek Prasad (GP7)

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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 appearing on behalf of the State.

The petitioner prays for provisional release of the  
Hero Splendor Pro Motorcycle bearing Registration No.  
BR43C-7982, Chasis No. MBLHA10ASCHG39480, which has  
been seized in connection with Saharsa Sadar P.S. Case No.  
1057 of 2018 for the offences punishable under Sections 30(a),  
38(1) and 41(1) 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 1.08 liters of I.M.F.L.

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 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, a Panchanama would be prepared by the court below 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 initiation and finalization of the confiscation proceeding.

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

**(Jyoti Saran, J)**

**( Arvind Srivastava, J)**

mcv/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 02.03.2019 |
| Transmission Date | NA         |

