

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17361 of 2018

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Angrahit Yadav Son of Late Dasai Yadav, Resident of Village- Jamuan, P.S.-
Bihiya, District- Bhojpur. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of
Registration, Excise and Prohibition, Govt. of Bihar, Patna
2. The Excise Commissioner, Bihar, Patna.
3. The District Collector-Cum-District Magistrate, Bhojpur at Ara.
4. The State of Bihar, through the Director General of Police.
5. The Superintendent of Police, Bhojpur at Ara.
6. The Police Station House Officer, Town Thana Police Station, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surj Bansh Roy
For the Respondent/s : Mr.Kumar Manish -SC 5

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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

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

The petitioner prays for provisional release of the
Passion Pro Motorcycle bearing Registration No. BR-03L-
8262, Chasis No. MD2A37CZ5CPJ689222, Engine No.
JEZPCJ86517, which has been seized in connection with
Town Thana P.S. Case No. 598 of 2017 for the offences
punishable under Sections 30(a) and 36 of the Bihar
Prohibition and Excise Act.

It is stated by learned counsel for the petitioner



that the vehicle of the petitioner is lying under the open sky in the police station. The seizure list reflects the seizure of 14 liters of Country liquor. He further submits that he has no information regarding initiation of confiscation proceeding.

Having heard learned counsel for the parties and taking note of the nature of seizure made, 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, 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, the Court below. would got 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

