

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL WRIT No.16832 of 2018

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Shyam Sundar Sah Son of Late Shivji Sah, resident of Village- Murliganj,
Ward No. 2, Police Station- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Madhepura.
3. The Excise Superintendent, Madhepura.
4. The Station House Officer, Murliganj Police Station, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None.

For the Respondent/s : Mr. Vivek Prasad- GP-7

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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 : 25-02-2019

This application has been filed seeking provisional release of the Motorcycle (New Victor 110) bearing Engine No. JF1KH1703276 and Chasis No. MD625GF15H1K80774 which has been seized in connection with Murliganj P.S. Case No. 163 of 2018 for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

None appears on behalf of the petitioner.

Counsel for the State informs that 8 Litres of country made liquor was recovered from the vehicle in question. She also informs that confiscation proceeding has not yet been



initiated. Learned counsel for the State further submits that the vehicle in question is lying under open sky in the Police Station.

Having heard learned counsel for the State and in the given facts and circumstances where no confiscation proceeding is presently pending, let the vehicle in question be released, if not already released, provisionally in favour of the petitioner on the petitioner's producing the document of ownership and registration in his name before the designated Court below with two sureties (one local) 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 designated 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 along with the undertakings as stated above. This release, however, would be subject to the final order passed in the confiscation proceeding, if any.

The writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Brajesh/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

