

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4097 of 2019**

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Md. Raja Kuraishi @ Sanjay Nat, aged about 26 years, Male, S/o Md. Raju Kuraishi @ Shambhu Nat, Resident of Saguna Mainpuri near Badi Masjid (Tarachak), P.S. Danapur Cantt, under District.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Excise Department, Patna,Bihar.,
2. The District Magistrate, Patna,Dist.-Patna
3. The Superintendent of Police, Patna Dist.-Patna
4. The Station Head of Police, Danapur Police Station, Patna, Dist.-Patna

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Harendra Kumar Tiwary, Advocate  
For the Respondent/s : Mr. Anil Kr. Sinha (GA1)

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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 : 07-03-2019**

Heard.

The prayer is for provisional release of the TVS Motorcycle bearing Chasis No. MD621EP16H1H00530, Engine No. DP1HH1876923 WITH Make TVS XL100, colour Black bearing Registration No. BR01DL1877, which has been seized in connection with Special Case No. 4204 of 2018 (Bihta P.S. Case No. 460 of 2018) for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel appearing on behalf of the petitioner



submits that he has no information about initiation of the confiscation. It is stated that the vehicle is lying under the open sky in the police station. The seizure list reflects the seizure of 2 liters of Mahua wine.

Having heard learned counsel for the State 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, 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 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)**

Nasimul/Shailendra

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| AFR/NAFR          | NAFR       |
| CAV DATE          | N/A        |
| Uploading Date    | 16-03-2019 |
| Transmission Date | N/A        |

