

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17831 of 2018

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Rohit Kumar Singh Son of Gupteshwar Singh, resident of Village Post Office-
Lahang Dumaria, Police Station- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department,
Bihar, Patna
2. The District Magistrate, Bhojpur, Arrah.
3. The Superintendent of Police, Bhojpur at Arrah.
4. The Superintendent of Police, Jagdishpur, Bhojpur.
5. The Officer-in- Charge Police Station- Barhara, District- Bhojpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kameshwar Singh
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 : 01-04-2019

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

The petitioner prays for provisional release of
the Hero Honda Splendor Plus Motorcycle bearing
Registration No. BR-03E-7054, which has been seized in
connection with Barhara (Krishnagarh) P.S. Case No. 353 of
2016 for the offences punishable under Sections 30 of the
Bihar Prohibition and Excise Act.

It is stated by learned counsel for the petitioner



that the vehicle of the is lying under the open sky in the police station. The seizure list reflects the seizure of 29.250 liters of I.M.F.L. 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, 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, the Court below would get 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	11.04.2019
Transmission Date	NA

