

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4444 of 2019

Geeta Devi, wife of Ramesh Nayak, age about 31 years (Female), Resident of New Ambedkar Nagar Bhatti Toli Chutiya, P.S. Chutiya, District- Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate Jehanabad.
3. The Superintendent of Police Jehanabad.
4. The Officer in-charge Jehanabad Police Station, District Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Respondent/s : Mr. Kumar Manish (SC5)

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 14-03-2019

None appears on behalf of the petitioner. Learned counsel for the State is present.

The prayer is for provisional release of the Indica Car bearing Registration No. JH01BP-8498, Chasis No. MD2DHDHZZVCB 15878, Engine No. DHG3VB77819, which has been seized in connection with Jehanabad P.S. Case No. 484 of 2017 for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code, Sections 25(1-b) a, 26 and 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel appearing on behalf of the State



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 9 liters IMFL.

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 (local) 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

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03-04-2019
Transmission Date	N/A

