

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4160 of 2019

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Sunny Kumar aged about 31 years (Male), S/o Late Suresh Ram, Resident of Village-Bahadurpur, Janta Flat Sampatchak BH Colony, P.S. Agamkuan, Dist.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Bihar, Patna
2. The Excise Commissioner, Bihar Prohibition and Excise Act.
3. The Excise Officer, Bihar Prohibition and Excise Act.
4. The District Magistrate, Patna
5. The Superintendent of Police, Dist.-Patna, Bihar
6. The Officer-In-charge of Kankarbagh Police Station, Dist.-Patna
7. The Assistant Sub-Inspector of Kankarbagh, P.S. Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajiva Ranjan
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 : 11-03-2019

No one appears on behalf of the petitioner. Heard learned counsel for the State.

The prayer is for provisional release of the Maruti Alto 800 Car bearing Registration No. BR01CC6324, Chassis No. MAJEUA61500485694, Engine No. F8DN5269357, which has been seized in connection with Special Case No. 5029 of 2018 arising out of Kankarbagh P.S. Case No. 455 of 2018 for the offence punishable under Section 30(a) of the Bihar



Prohibition and Excise Act.

Mr. Pawan Kumar, learned AC to GA 1, informs that he has no information about the initiation of confiscation proceeding and the seizure list reflects the seizure of 250 ml. of 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 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 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)

Shailendra/-

(Arvind Srivastava, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2019
Transmission Date	NA

