

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4436 of 2019

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Dinesh Singh @ Dinesh Kumar, aged about 53 years, Male, Son of Kedar Singh, R/o Village-Maksoodpur, P.O. Maksudpur, P.S. Khizersarai, District-Gaya (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna
2. The District Magistrate -cum-Collector, Gaya
3. The Senior Superintendent of Police, Gaya
4. The Officer-in-Charge, Khizersarai Police Station, District-Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC11)

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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 : 14-03-2019

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the state.

The petitioner prays for provisional release of the
vehicle (Maruti Alto) bearing Registration No. BR02AD 6199,
Chasis No. MA3EZDE1S00270646, Engine No. K10BN7729770,
which has been seized in connection with Khizersarai P.S. Case
No. 320 of 2018 for the offences punishable under Sections
379/420/467/468/472/474/34 of the Indian Penal Code and
Section 30(9) 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 1 liter Mahua.

Having heard learned counsel for the parties and taking note of the nature of seizure, 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

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

