

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5864 of 2019**

Ranjeet Kumar @ Ranjeet Kumar Baranwal, aged about 40 years (M), S/o Vijay Prasad Baranwal @ Vinay Kumar, Resident of Village- Malaypur Basti, P.S.- Malaypur, Distt.- Jamui, at present residing at Shastri Colony, Jamui, P.S.- and Distt.- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through Officer in Charge, Jamui (Adarsh) Police Station, Jamui.
2. Principal Secretary, Registration Excise and Prohibition Department, Govt. of Bihar, Patna.
3. Director General of Police, Bihar, Patna.
4. District Magistrate Jamui.
5. Superintendent of Police Jamui.
6. Officer In charge Jamui (Adarsh) Police Station, Jamui.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Advocate  
For the Respondent/s : Mr.Vikash Kumar (SC 11)

**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**and**  
**HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)**

**Date : 22-04-2019**

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

The petitioner prays for provisional release of the white  
colour Activa Scooty bearing Registration No. BR 46 B, 7451,  
Chassis No. ME4JC447HC8152069, Engine No. JC44E2263675,  
which has been seized in connection with Jamui (Adarsh) P.S. Case  
No. 535 of 2018 for the offences punishable under Section 272 of  
the Indian Penal Code and Sections 30 and 30 (A) of the Bihar  
Prohibition and Excise Act.



It is stated by learned counsel for the petitioner that confiscation proceeding is yet to be initiated and the vehicle is lying under the open sky in the police station. The seizure list reflects the seizure of 4.250 liters of IMFL.

Having heard learned counsel for the parties and taking note of the nature of seizure made as well as the fact that the confiscation proceeding is yet to be initiated, 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)**

**( Anjani Kumar Sharan, J)**

Nasimul/-

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