

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5782 of 2019

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Munna Kumar, aged about 28 years, Gender-Male, Son of Late Bindeshwari
Yadav, Resident of Village- Salkhua, P.S.- Salkhua, District- Saharsa.
... .. Petitioner/s

Versus

1. The State of Bihar through Excise Commissioner, Patna.
 2. The District Magistrate, Saharsa.
 3. The Excise Superintendent, Saharsa.
 4. The Station House Officer, Bakhtiarpur Police Station, District- Saharsa.
- Respondent/s
- =====

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Vikash Kumar (SC11)

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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

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

The prayer is for provisional release of the
motorcycle Glamour bearing Registration No. BR-19K8342,
Chasis No. J06AEJGGK08183 Engine No.
MBLJA06AMGGK07372, which has been seized in connection
with Bakhtiarpur P.S. Case No. 433 of 2018 for the offences
punishable under Sections 30 (a) of the Bihar Prohibition and
Excise Act.

It is stated by learned counsel for the State that
confiscation proceeding is yet to be initiated. It is further stated
that the seizure list reflects a seizure of 6.750 ml of IMFL from



the vehicle.

Having heard learned counsel for the State 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 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 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)

(Anjani Kumar Sharan, J)

amit/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.05.2019
Transmission Date	N/A

