

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6934 of 2019

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Bipin Mandal @ Vipin Mandal, aged about 44 years (M), Son of Ram Nath Mandal, Resident of Village- Murliganj, Ward No. 4, P.S.- Murliganj, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Commissioner Excise Dept., Govt. of Bihar, Patna.
4. The District Magistrate, Purnea, District- Purnea.
5. The Excise Superintendent, Purnea, District- Purnea.
6. The Excise Inspector, Jankinagar, District- Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP7)

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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 : 16-05-2019

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

The petitioner prays for provisional release of the Motorcycle Auto Rickshaw Diesel (Auto Piaggio Ape) bearing Registration No. BR-43P-5212, which has been seized in connection with Jankinagar P.S. Case No. 35 of 2017 for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the allegation is that a carry bag containing 3.6 liters of IMFL was being transported in the



Auto Rickshaw of the petitioner but on being intercepted it was thrown from the vehicle and which has been seized after almost 21 months of the institution of the F.I.R. on 27.11.2018. Learned counsel for the petitioner in reference to the F.I.R. submits that even when the Station House Officer has accepted that he could not see the number of the Tempo while recording the F.I.R. on 24.02.2017, it is after a lapse of almost 21 months that a second seizure list is prepared to seize the Tempo in question on 27.11.2018 vide Annexure-2. He submits that the confiscation case is pending before the District Magistrate, Purnea.

In the circumstances noted, we direct the District Magistrate, Purnea to forthwith release the Auto Rickshaw in question on production of ownership papers by the petitioner which release and take place within 14 days of receipt/ production of the ownership papers.

This release of the vehicle would, however, be subject to finalization of the confiscation proceeding.

With the observations/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Anjani Kumar Sharan, J)

Nasimul/-

AFR/NAFR	NAFR
CAV DATE	N/A
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