

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9296 of 2019

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Raj Lal Rai Son of Kedar Rai, Resident of Village- Vhakki Anchal Gaxaghat,
Police Station- Gaxaghat, District- Muzaffarpur. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Director General of Police, Govt. of Bihar, Patna.
3. The Collector cum District Magistrate, Muzaffarpur.
4. The Deputy Superintendent of Police, Muzaffarpur.
5. The Excise Superintendent, Muzaffarpur.
6. The Sub Inspector Prior (Satha O.P.) Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 16-07-2019

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

The petitioner prays for provisional release of the TVS
Sports Motorcycle bearing Registration No. BR06AW2431,
Chassis No. MD625MF53F3K30281 Engine No.
DF5KF1205454 which has been seized in connection with Piar
P.S. Case No. 152 of 2018 for the offences punishable under
sections 272, 273 and 414 of the Indian Penal Code and
sections 30(A), 35(A), 38 and 41 of the Bihar Prohibition and
Excise Act, 2016.

It is stated by learned counsel for the petitioner that



12 litres of IMFL has been seized; the confiscation proceeding is pending and the vehicle is lying under the open sky in the police station. The seizure list supports the seizure of the motorcycle and 12 litres 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 pending, 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 District Magistrate, Muzaffarpur 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 prepared by the District Magistrate, Muzaffarpur 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 finalization of the confiscation proceeding.

With the observations, this writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	
Transmission Date	

