

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8126 of 2019

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Randhir Kumar Son of Kapildev Yadav @ Kapildev Prasad Yadav R/o
Village-Gamhariya, Near Choak, Ward No. 12, P.S.-Sour Bazar, District-
Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Prohibition Excise and Registration Department, Govt. of Bihar, Patna
2. The Principal Secretary Prohibition Excise and Registration Department, Govt. of Bihar, Patna
3. The Commissioner Prohibition Excise and Registration Department, Govt. of Bihar, Patna
4. The Collector-cum-District Magistrate Bhagalpur
5. The Superintendent of Excise Bhagalpur
6. The Superintendent of Police Bhagalpur
7. The State House Officer Industrial Area Police Station, District-Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary
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 : 28-06-2019

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

The petitioner prays for provisional release of the
Maruti KWID LCE COOL white champion bearing Registration
No. BR/11/TMP/2018/3945, Chassis No,
MEEBBA009HA546987, Engine No. E 179726
(B4AA400E179726, which has been seized in connection with



Bhagalpur Industrial P.S. Case No. 84 of 2018 for the offences punishable under Sections 30/30A of the Bihar Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that confiscation proceeding is pending and the vehicle is lying under the open sky in the police station. The seizure list reflects the seizure of 200 litres of country liquor.

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 Collector-cum-District Magistrate, Bhagalpur with one surety along with a Bank Guarantee or original title deed of immovable property situated within the district to the extent of the value of the vehicle as indicated in the insurance document. The petitioner while submitting the surety and the bank guarantee or the original title deed, as the case may be, 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 further.

(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 Collector-cum-District Magistrate, Bhagalpur, 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 one surety along with a Bank Guarantee or the original title deed of immovable property situated in the district, as the case may be, to the extent of the value of the vehicle as indicated in the insurance document and the undertakings, as stated above. This release would, however, be subject to finalization of the confiscation proceeding. The title deed papers shall remain in safe custody of the confiscating authority



subject to final decision in the confiscation proceedings.

The writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

Sushma/Prakash

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

