

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9571 of 2019**

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Abhimannu Kumar @ Abhimanyu Kumar Son of Arjun Choudhary, resident  
of Kalvan Chak, Keura, P.O.and P.S.- Punpun, District- Patna- 804453, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,  
Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna.
4. The Station House Officer, Pipra, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Sayed Imran Ghani, Advocate  
For the Respondent/s : Mr.Gal

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

**Date : 18-07-2019**

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

The petitioner prays for provisional release of the  
Hero Splendor Pro bearing Registration No. BR01BK6761  
Chassis No. MBLHA10ASCHC07829 and Engine No.  
HA10ELCHC09765 which has been seized in connection with  
Pipra P.S. Case No. 17 of 2018 for the offence punishable under  
sections 30(a) and 37(b)(c) of Bihar Prohibition and Excise  
Act, 2016.

It is stated by learned counsel for the petitioner that



10 litres of country liquor has been seized; the confiscation proceeding is pending and the motorcycle is lying under the open sky in the police station. The seizure list supports the seizure of the motorcycle and 10 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 District Magistrate, Patna 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, Patna 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 the final orders passed in the confiscation proceeding.

With the observations, this writ petition is allowed.

**(Jyoti Saran, J)**

**( Partha Sarthy, J)**

Prakash/-

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