

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10321 of 2019

Uma Shankar Choudhary Son of Ramanuj Choudhary Resident of Village-Jan
Tola,P.S. Rivilganj, District-Saran at Chapra. Petitioner/s

Versus

1. The State of Bihar through Principal, Registration, Excise and Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration, Excise Prohibition Department, Govt. of Bihar, Patna
3. The District Magistrate, Saran at Chapra
4. The Superintendent of Police, Saran at Chapra
5. The Station House Officer, Police Station, Rivilganj, District-Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 06-08-2019

Learned counsel for the petitioner seeks permission to make necessary correction in paragraph no. 1 of the writ petition so far as relief is concerned.

As prayed, let the same be done in course of the day.

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

The petitioner prays for provisional release of a mare which has been seized in connection with Rivilganj P.S. Case No. 79 of 2017 for the offence punishable under sections 272 and 273 of the Indian Penal Code.

It is stated by learned counsel for the petitioner that



30 litres of country liquor has been seized; the confiscation proceeding is yet to be initiated and the mare is in custody of the police. The seizure list supports the seizure of the mare and 30 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 yet to be initiated, we direct that mare in question be released provisionally in favour of the petitioner on production of ownership with respect to the mare in question in his name before the designated court below with two sureties to the extent of the value of the mare. The petitioner while submitting the sureties shall also furnish the following affidavits/ undertakings:

(i) That the mare 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 mare during the pendency of the confiscation proceeding.

(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 mare, a Panchanama would be prepared by the designated court below wherein the photograph of the mare 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, which would however be subject to initiation and finalization of the confiscation proceeding, if any.

With the observations above, this writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.8.19
Transmission Date	NA

