

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9731 of 2019

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Lalmohan Ram son of Raju Ram R/o Village-Abadullah Chak, P.S.-Parsa Bazar, District-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna
2. The Excise Commissioner Bihar, Patna
3. The District Magistrate-cum-Collector Patna
4. The Senior Superintendent of Police Patna
5. The Superintendent of Police Rural, Patna
6. The Excise Superintendent Patna
7. The District Transport Officer Patna
8. The Officer-in-Charge Didarganj P.S. District-Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra
For the Respondent/s : Mr.Kumar Manish (Sc5)

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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 : 26-07-2019

Re. Interlocutory Application no. 1 of 2019.

The application has been filed on behalf of the petitioner praying to make necessary correction in the name of the father of the petitioner. It is submitted that the correct name of the father of the petitioner is Raju Ram but due to inadvertence Ram Lakhan Ram has wrongly been typed in the writ petition.

The application is allowed.

The petitioner is permitted to make necessary correction



in the name of the father of the petitioner in the writ petition 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 the Motorcycle (Bajaj Pulser) bearing registration No. BR01DX6148 which has been seized in connection with Special Case No. 1961 of 2019 arising out of P.R.P.S Case No. 168 of 2019 dated 19.2.2019 for the offence punishable under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that 3.750 litres of IMFL has been seized; the confiscation proceeding is yet to be initiated and the vehicle is lying under the open sky in the police station. The seizure list supports the seizure of the motorcycle and 3.750 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 yet to be initiated, 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 designated court below 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 designated court below 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, 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)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

