

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9696 of 2019

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Deepak Kumar, aged about 26 years, Gender Male, S/o Ranjeet Sah Resident
of Village-Baburban,P.S. Bajpatti,Dist.-Sitamarhi

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise and Prohibition Department, Govt. of Bihar, Patna
2. The District Magistrate cum Collector, Sitamarhi
3. The Superintendent of Police, Sietamarhi
4. The Officer-in-Charge, Riga Police Station, Dist.-Sitamarhi

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra
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 PARTHA SARTHY)

Date : 22-07-2019

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

The petitioner prays for provisional release of the Bajaj
C.T.100 motorcycle bearing registration No. BR30N0844, which
has been seized in connection with Riga P.S. Case No. 239/2018
for the offences punishable under sections 272 and 273 of the
Indian Penal Code and section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

It is stated by learned counsel for the petitioner that 15
litres of Nepali liquor has been seized from the vehicle in question;



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 15 litres of Nepali 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, Sitamarhi 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, Sitamarhi 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 finalization of the confiscation proceeding.

With the observations above, this writ petition is allowed.

(Jyoti Saran, J)

(Partha Sarthy, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2019
Transmission Date	NA

