

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11374 of 2019

Sanjay Bin, Son of Murat Bin, Resident of Village-Bhabhauri-P.O.-Ghorhat
Mathiya, P.S.-Manjhi, Dist.-Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Department of Excise Prohibition and Registration Govt. of Bihar, Patna.
2. The Inspector General of Excise, Govt. of Bihar Patna
3. The Collector-Cum-District Magistrate Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.
5. The Excise Superintendent Saran at Chapra.
6. The Station House Officer, Town P.S. Chapra Dist Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC11)

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 22-08-2019

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

The petitioner prays for provisional release of TVS
Moped vehicle bearing Registration No. BR-04AB-1123,
Chassis No. MD621EP14J1K29870 Engine No.
CP1KJ19A4001, which has been seized in connection with
Town P.S. Case No. 117 of 2019 (District-Saran) registered for
the offences punishable under Sections 272 and 273 of the
Indian Penal Code and Section 30(a) of Bihar Prohibition and
Excise Act, 2016.

It is stated by learned counsel for the petitioner that



30 litres of Mahua liquor has been seized from the said Moped; 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 said vehicle and 30 litres of Mahua 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, Saran at Chapra 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, Saran at Chapra 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 initiation and finalization of the confiscation proceeding if any.

With the aforesaid observations and directions, this writ petition is allowed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	29.08.2019
Transmission Date	N.A.

