

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18470 of 2019**

=====

Dablu Yadav S/o Ashrphi Yadav Resident of Village- Khairi, P.s.- Tetarhat,  
District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Govt. of Bihar, Patna
2. The Collector Lakhisarai
3. The Superintendent of Police Lakhisarai
4. The S.H.O. Lakhisarai Police Station, District- Lakhisarai
5. The S.H.O. Kabaiya Police Station, District- Lakhisarai

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar  
For the Respondent/s : Mr.Vivek Prasad (Gp7)

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR  
SRIVASTAVA**

**and**

**HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR  
SRIVASTAVA)**

2      16-12-2019                      Heard learned counsel for the petitioner as well as  
  
learned counsel for the State.

The petitioner seeks release of his Pulsar 150  
motorcycle bearing Registration No. BR 53D 4590 which was  
seized in connection with Lakhisarai Kabaiya Police Station  
Case No. 235 of 2019 registered for the offence punishable  
under sections 30a and 32b of the Bihar Prohibition and Excise  
Act, 2016.

It is submitted on behalf of the petitioner that the



confiscation proceedings has not been initiated as yet but the learned counsel of the State submits that he is not in a position to confirm the contention of the petitioner regarding initiation of the confiscation proceedings and therefore he will seek the report from the concerned District Collector about the initiation of confiscation proceeding.

In view of the aforesaid submission as well as in the facts and circumstances of the case, this writ application stands disposed of with a direction to the concerned Court to seek a report from the District Collector about initiation of confiscation proceeding in respect of seized vehicle in connection with Lakhisarai Kabaiya Police Station Case No. 235 of 2019 within a period of two weeks from the date of receipt/production of a copy of this order and if the report of the concerned District Collector reflects that the confiscation proceeding has already been initiated, in that event, the concerned court shall not release the seized vehicle in favour of the petitioner, but if the report of the District Collector reveals that the confiscation proceedings has not been initiated as yet in respect of seized vehicle, the concerned Court shall release the seized vehicle provisionally in favour of the petitioner on production of ownership and registration papers with respect to the vehicle in



question before the court below on execution of bond of Rs.50,000/- within two weeks from the date of receipt/production of this order, with the condition that the petitioner shall not transfer or alienate the said vehicle without prior permission of the concerned Court and shall produce the aforesaid vehicle whenever and wherever it is required by the Court till final disposal of the confiscation proceedings.

Furthermore, it is made clear that if the confiscation proceedings has been initiated in respect of the seized vehicle, the concerned District Collector shall conclude the aforesaid confiscation proceeding within 60 days from the date of receipt/production of a copy of this order.

Writ petition stands disposed of with the aforesaid directions.

**(Hemant Kumar Srivastava, J)**

**( Prabhat Kumar Singh, J)**

Shashi

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

