

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18966 of 2019

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Nishakant Tiwari @ Nishakant Tripathi, Male, aged about 42 years, S/o Ram Swarup Tiwari @ Ram Swarup, Resident of Village- Siswa Dixit, P.S.- Salempur, Distt.- Devria (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna
2. The District Magistrate cum Collector Gopalganj
3. The Superintendent of Police Gopalganj
4. The S.H.O. Vijaipur Police Station, Gopalganj
5. The Investigating Officer of Vijaipur P.s. Case No. 78 of 2019, Vijaipur Station, Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

and

HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA)

Date : 16-12-2019

Heard learned counsel for the petitioner as well as learned counsel for the State.

The petitioner seeks release of his motorcycle i.e. Hero Honda Splendor Pro, bearing Registration No. UP52V-4953, which was seized in connection with Vijaipur Police Station Case No. 78 of 2019 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



It is submitted on behalf of the petitioner that no notice with regard to initiation of confiscation proceeding has been received by the petitioner, 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 proceeding 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 Vijaipur Police Station Case No. 78 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 the execution of bond of Rs.50,000/- within two weeks from the date of receipt of report of District Magistrate, 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 proceeding has been initiated in respect of the seized vehicle, the concerned District Collector shall initiate the confiscation proceedings and conclude the same 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)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	23.12.2019
Transmission Date	N/A

