

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18845 of 2019

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Deepak Kumar Mishra Male aged about 39 years Son of Shambhu Nath Mishra Resident of Village- Ramdash Bagahi, P.S.- Kateya, District- Gopalganj.

... .. 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. Kateya Police Station, Gopalganj.
5. The Investigating Officer of Kateya P.S. Case No. 195 of 2018, Kateya P.S., Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sushil Kumar
For the Respondent/s : Mr.Kumar Manish (Sc5)

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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. TVS Star City (having no number plate), bearing Chasis No. MDB25CF1XEBLQ6801 and Engine No. CFILE1114490, which was seized in connection with Kateya Police Station Case No. 195 of 2018 registered for the offence punishable under Sections 30(a), 35, 38 of the Bihar Prohibition and Excise Act, 2016.



In this case, counter affidavit has already been filed on behalf of respondent no. 4 & 5, wherein it has been stated in paragraph – 9 that proposal has already been sent to the office of District Magistrate, Gopalganj, vide Annexure – A to the counter affidavit, but learned State counsel is unaware whether confiscation proceeding has been initiated or not and as such, he will seek a report from the concerned District Magistrate 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 Kateya Police Station Case No. 195 of 2018 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	06.01.2020
Transmission Date	N/A

