

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18176 of 2018

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Vijay Kuamr Ram Son of Latre Ramdhani Ram R/o Village Bandipur, P.S.
Ramgarh, District Kaimur at Bhabua

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director General of Police, Bihar Patna.
3. The District Magistrate Cum Collector, Kaimur at Bhabua.
4. The Senior Superintendent of Police, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan
For the Respondent/s : Mr.Kumar Manish -SC5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 11-03-2019

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

The petitioner prays for provisional release of the
Hero Passion Pro Motorcycle bearing Registration No. BR-45H-
9328, which has been seized in connection with Ramgarh P.S.
Case No. 211 of 2018 for the offences punishable under
Sections 30(a), 37(I)(II), 56(d) of the Bihar Prohibition and
Excise Act.

It is stated by learned counsel for the petitioner that
confiscation proceeding is pending and the vehicle is lying



under the open sky in the police station. The seizure list reflects the seizure of 16 bottles of 8 PM whiskey each containing 180 ml., 13 bottles of country liquor each containing 200ml. and 3 bottles of 8 PM whiskey each containing 375 ml.

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-cum-Collector, Kaimur at Bhabua 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, the District Magistrate-cum-Collector, Kaimur at Bhabua would get prepared a Panchanama 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 the final order passed in the confiscation proceeding.

With the observations/directions above, this writ petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.03.2019
Transmission Date	NA

