

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18520 of 2018

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Ajit Kumar Sharma S/o- Sheshnath Sharma, resident of Village- Patpura, P.S.-
Nawadih, P.S.- Dehri-on- Sone, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate, Rohtas.
4. The Superintendent of Police, Rohtas.
5. The Officer-In- Charge, P.S.- Indrapuri, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy
For the Respondent/s : Mr.Kumar Manish -SC 5

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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 : 01-04-2019

Heard learned counsel appearing for the
petitioner and learned counsel appearing for the State.

The petitioner prays for provisional release of
the Bajaj Platina Motorcycle bearing Registration No. BR-
24U-3795, Chasis No. MD2A76A71HRK62523, Engine No.
PFYRHR00901, which has been seized in connection with
Indrapuri P.S. Case No. 858 of 2017 for the offences
punishable under Sections 30(a)/34 of the Bihar Prohibition
and Excise Act.



It is stated by learned counsel for the petitioner that the vehicle of the petitioner is lying under the open sky in the police station. The seizure list reflects the seizure of 4 liters of Country liquor. He further submits that proposal has been sent for initiation of confiscation proceeding before the confiscating authority.

Having heard learned counsel for the parties and taking note of the nature of seizure made as well as the fact that proposal has already been sent for initiation of the confiscation proceeding, 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, Rohtas 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, Rohtas would got 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 of the vehicle would, however, be subject to finalization of 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	10.04.2019
Transmission Date	NA

