

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18738 of 2019

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Santosh Sahni, Aged about 33 years, Male, Son of Mahendra Sahni, Resident of village – Manikpur, P.O., Mustafaganj, P.S. Minapur, District Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Excise Department, Bihar, Patna.
2. The District Magistrate, Muzaffarpur, District Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur District Muzaffarpur.
4. S.H.D. of Minapur Police Station District – Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr. Vivek Prasad (Gp7)

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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 motorcycle i.e. Hero Glamour, bearing Registration No. BR06AQ-1813, which was seized in connection with Minapur Police Station Case No. 525 of 2018 registered for the offence punishable under Sections 272/273 of the Indian Penal Code and Sections 30(a)/38/41/48 of the Bihar Prohibition and Excise Act, 2016.

It is submitted on behalf of the petitioner that the confiscation proceeding has been pending before the learned



District Magistrate, but till now no any notice has been received, but the learned counsel of the State submits that he is not in a position to confirm the contention of the petitioner regarding initiation/pendency of the confiscation proceedings and therefore he will seek a 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 Minapur Police Station Case No. 525 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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