

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 18965 of 2019

=====

Rakesh Kumar, aged about 29 years, Gender Male S/o Late Vinod Paswan,
R/v- Khoja Imali, Karorichak, Ambedkar Nagar, P.S.- Phulwarisharif, Distt. -
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Officer in Charge of Phulwarisharif Police Station, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashikant Yadav
For the Respondent/s : Mr. Vivek Prasad (Gp7)

=====

**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. Honda
Shine, bearing Registration No. BR01DJ-6898, which was seized
in connection with Phulwarisharif Police Station Case No. 646 of
2019 registered for the offence punishable under the provisions of
the Bihar Prohibition and Excise Act, 2016.



It is submitted on behalf of the petitioner that after seizure of the motorcycle of the petitioner, same is kept in abandon condition in the concerned police station and as such, the motorcycle may be released in favour of the petitioner.

Learned counsel of the State, on being asked, submits that he has no knowledge 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 Phulwarisharif Police Station Case No. 646 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)

anay/-

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

