

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18717 of 2019

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Sunil Kumar Yadav @ Sunil Ray @ Sunil Yadav Son of Gagandev Ray
Resident of Village- Sandwara, Police Station- Madhurapur, Police Station-
Bajpatti, District- Sitamarhi. ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Sitamarhi.
3. The Excise Commissioner, Sitamarhi.
4. The Excise Superintendent of District, Sitamarhi.
5. The Excise Sub Inspector Patrolling Party, BOP- Nawahi, Sursand, District- Sitamarhi.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar
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 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 Bajaj Discover bearing Engine No. JBYRKL58383, Chasis No. MD2A15AY6KRL49577, which was seized in connection with GO Case No.50/2019 in Sitamarhi registered for the offence punishable under section 30A of the Bihar Prohibition and Excise Act, 2016.

As the petitioner has not indicated that whether any



confiscation proceeding has been initiated or not, 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 GO Case No.50/2019 in Sitamarhi 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 proceedings has already been initiated in respect of the seized vehicle, the concerned District Collector shall 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)

Shashi

AFR/NAFR	NA
CAV DATE	Na
Uploading Date	19.12.2019
Transmission Date	

