IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19354 of 2019

==========

1. Radheshyam Prasad Son of Kailash Prasad, Resident of Ruidhasa Ward No. 24.
2. Devasis Sinha@ Devasish Sinha, Son of Barun Kumar Sinha@ Barun Prasad Sinha, Resident of Millan Pally Ward No. 2 Both Police Station and Distt.- Kishanganj.

... ... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Excise Department, Government of Bihar.
2. The District Magistrate, Kishanganj.
3. The Superintendent of Police, Kishanganj.
4. The Sub- Divisional Magistrate, Kishanganj.
5. The S.H.O. of Kishanganj, Police Station, Kishanganj.

... ... Respondent/s

==========

Appearance :
For the Petitioner/s : Mr.Dilip Kumar Singh
For the Respondent/s : Mr.Vikash Kumar (Sc11)

==========

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 bearing Registration No. BR 37N 8277 which was seized in connection with Kishanganj Police Station Case No. 390 of 2019 registered for the offence punishable under Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

It is submitted on behalf of the petitioner that the

WEB COPY

confiscation proceedings has not been initiated as yet but the learned counsel of the State submits that he is not in a position to confirm the contention of the petitioner regarding initiation of the confiscation proceedings 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 Kishanganj Police Station Case No. 390 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

WEB COPY

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)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2019
Transmission Date	NA

WEB COPY