

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19178 of 2019

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Shamlal Mahto @ Shyamlal Mahto Son of Gorakh Mahto, Resident of
Madhubani, P.S.-Sangrampur, District-East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, East Champaran.
3. The Superintendent of Police, East Champaran.
4. The S.H.O., Govindganj, East Champaran.
5. The Investigation Officer of Govindganj (Areraj) P.S. Case No. 36/18.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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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 appearing for the petitioner
as well as learned counsel for the State.

The petitioner seeks release of his vehicle bearing
Registration No. BR05PA-4645 which was seized in connection
with Govindganj (Areraj) P.S. Case No. 36 of 2018 under
Sections 272, 273 of the Indian Penal Code and sections 30(a),
38(1), 41(1) of the Bihar Prohibition and Excise Act, 2016.

It is submitted on behalf of the petitioner that the



confiscation proceeding has not been initiated as yet, but learned counsel for the State submits that he is not in a position to confirm the contention of the petitioner 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 Govindganj (Areraj) P.S. Case No. 36 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 proceeding 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 execution of bond of Rs. Five lakhs within two weeks from the date of receipt of report of the District Collector, East Champaran, with the condition that the petitioner shall not alienate or transfer 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 proceeding.

Furthermore, It is made clear that if the confiscation proceeding has already been initiated in respect of the seized vehicle, the concerned District Collector shall conclude the same within sixty 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)

vinita/-

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

