

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18971 of 2019

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Deepak Kumar Choudhari aged about 22 years (Male) Son of Rajendra Chaudhary Resident of Village- Sitanabad (South), P.S.- Simri Bakhtiyarpur, District- Saharsa, (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Patna (Bihar).
2. The Excise Officer, Bihar Prohibition and Excise Department, Saharsa.
3. The District Magistrate, Saharsa.
4. The Superintendent of Police, District- Saharsa (Bihar).
5. The In-charge, Police Station Bakhtiyarpur, District- Saharsa (Bihar).
6. The Assistant Police Inspector, Bakhtiyarpur Police Station, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Indu Shekhar Dwivedi
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 motorcycle i.e. Super Splendor, bearing Registration No. BR19M-7041, which was seized in connection with Bakhtiyarpur (BKP) Police Station Case No. 319 of 2019 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



It is submitted on behalf of the petitioner that the seized motorcycle of the petitioner is lying in open sky, which may cause damage to the same 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 about initiation of the confiscation proceeding 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 Bakhtiyarpur (BKP) Police Station Case No. 319 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)

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

