

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18423 of 2019

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Dhuran Das @ Bhuran Das, Son of Late Bhaiya Das, Resident of Village-Singrahi, P.O.-Dorwar, P.S.-Jaynagar, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Excise Department, Govt. of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The S.H.O. Arer Police Station, Madhubani, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Advocate
For the Respondent/s : Mr.Kumar Manish (SC-5)

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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

At the very outset, learned counsel appearing for the petitioner seeks permission to make necessary correction in para 1 of the petition.

Learned counsel for the petitioner is permitted to do so, within course of the day.

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

Petitioner has prayed for release of motorcycle bearing registration no. BR-32K-0931 which was seized in Arer



P.S. Case No. 19 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Two persons were caught while they were carrying illicit liquor by their above-stated seized motorcycle and, accordingly, the motorcycle seized in connection with Arer P.S. Case No. 19 of 2019.

The petitioner has pleaded at para 1 of his petition that confiscation proceeding has not been initiated as yet.

Section 58 of the Bihar Prohibition and Excise Act, 2016 gives power to the District Collector, to initiate confiscation proceeding, but as per pleading of the petitioner the confiscation proceeding has not been initiated as yet.

Learned counsel for the State also could not succeed to controvert the aforesaid submission of learned counsel of the petitioner, as he has no information regarding the initiation of confiscation proceeding in respect of the above-stated seized vehicle.

In view of the aforesaid facts and circumstances as well as submissions of the parties, this writ petition stands disposed of with direction to lower court/concerned court to obtain a report from District Collector, Madhubani in respect of initiation of confiscation proceeding of seized vehicle and if the



District Collector, Madhubani reports about the initiation of confiscation proceeding in respect of seized vehicle, in that event, the concerned court shall not release the seized vehicle in favour of the petitioner, but if from the report of the District Collector, Madhubani, the court comes to conclusion that the confiscation proceeding has not been initiated as yet, then in that circumstance, the concerned court shall provisionally release the concerned vehicle in favour of the petitioner on execution of bond of Rs. 40,000/- and after verification of original documents of the aforesaid vehicle within a week from the receipt of the report of District Collector, Madhubani, subject to the condition that the petitioner shall not alienate or transfer the aforesaid vehicle without prior permission of the concerned court and shall produce the vehicle whenever and wherever it is required by the court.

(Hemant Kumar Srivastava, J)

(Prabhat Kumar Singh, J)

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

