

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19134 of 2019

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Md. Israfil, Son of Md. Sakur @ Abdul Sakur, Resident of Islampur, Ward
No. 12, Police Station-Jogbani, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar, through Secretary of Excise Department, Bihar at Patna.
2. The Collector-cum-District Magistrate, Araria.
3. Superintendent of Police, Araria.
4. S.H.O., Jogbani P.S., District-Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhanshu Shekhar
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 appearing for the petitioner
as well as learned counsel for the State.

The petitioner seeks release of his Tempo bearing
Registration No. BR-38P-3938 which was seized in connection
with **Jogbani P.S. Case No. 209 of 2019** under Section 30(a),
38(i) of 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 **Jogbani P.S. Case No. 209 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 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. 1,50,000/-** within two weeks from the date of receipt of report of



the District Collector, 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	21.12.2019
Transmission Date	

