

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19771 of 2019

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Ruby Kumari, W/o Satyendra Kumar Yadav, resident of village- Ward No. 3,
Milki Bhumihar Tola, P.S. Kalyanpur, Distt. Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Sub Inspector (Awar Nirikshak) Excise and Prohibition, Jamui.
2. Principal Secretary, Registration Excise and Prohibition Department, Govt. of Bihar, Patna.
3. District Magistrate, Jamui.
4. Superintendent of Police, Jamui.
5. Sub Inspector (Awar Nirikshak) Excise and Prohibition, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan Singh, Advocate
For the Respondent/s : Mr.Vivek Prasad,GP 7

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 16-12-2019

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner prays for provisional release of Hyundai
Car i20 Meghna bearing registration No.BR01AV3713, Engine
No.G4LAAM329155, Chassis No.MALBB51BLAM142340B,
which has been seized in connection with Case No.309C2/2018 for
the offence punishable under section 30(A) of the Bihar Prohibition
and Excise Act, 2018.

It is stated by learned counsel for the petitioner that 20



litres 625 ml. of illegal foreign liquor has been seized, no confiscation proceeding is pending and the vehicle is lying under the open sky in the police station. The seizure list supports the seizure of the said vehicle and 20 litres 625 ml. of illegal foreign liquor.

Having heard learned counsel for the parties and taking note of the nature of seizure made as well as the fact that no confiscation proceeding is pending, we direct that the vehicle in question be released provisionally in favour of the petitioner who is owner of the vehicle, subject to grant her bail, on production of ownership and registration with respect to vehicle in question in her name before the designated court below with two sureties to the extent of proportionate to the value of the vehicle considering its age as indicated in the insurance document. The petitioner while submitting the sureties shall also furnish the following affidavits/undertakings:

(i) That the vehicle in question has never been involved in any offence of similar nature in past and shall not indulge in similar offence in future.

(ii) The petitioner shall furnish an undertaking to produce the vehicle before the confiscating authority as and when required. During his possession he will not transfer the vehicle to the third party in any manner whatsoever and will not change its feature.

(iii) Prior to release of the vehicle, a Panchanama would be prepared by the designated court below wherein the photograph of



the vehicle shall be taken and will be certified by the petitioner and the same shall be kept on record so that in future if so required, it may be used as a secondary evidence. The petitioner shall furnish an undertaking, not to challenge the said Panchanama in course of trial.

The release shall be allowed within a period of 14 days from the date of submission of the sureties as per undertakings and conditions as stated above.

With the above observation and direction, this writ petition is allowed.

(Shivaji Pandey, J)

(Anjani Kumar Sharan, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.01.2020
Transmission Date	N/A

