

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16213 of 2018

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Amandeep Singh son of Shamsher Singh resident of village - Chatha
Sekhwan, P.S. Sangrur, District - Sangrur, State - Punjab (148001).

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Excise Department Patna, Bihar
2. The Collector/District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The Excise Superintendent, Muzaffarpur.
5. The Excise Inspector, Muzaffarpur.
6. The Officer-in-Charge Gayghat P.S., Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Respondent/s : Mr.Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 21-01-2019

Heard the parties.

The petitioner seeks provisional release of truck bearing
Registration No.PB13AF5711 seized in connection with Gayghat
P.S.Case No.191 of 2018 for the offenses punishable under
Sections 414/34 of the Indian Penal Code and Sections 30(A) of
the Bihar Liquor Prohibition & Excise Act, 2016.

The seizure list reflects recovery of 303 litres of Indian
Made Foreign Liquor. According to Mr. Kumar Manish, SC-5
requisition has been placed for initiation of confiscation
proceeding.



In the circumstances noted and taking note of the nature of recovery as well as the fact that allowing the vehicle to turn into a junk is in nobody's interest and that the petitioner is a resident of Punjab, we allow the provisional release of the vehicle in question subject to production of ownership papers by the petitioner in his name before the court below together with one surety (local) and a Bank Guarantee or original title deed of immovable property situated within the district to the extent of the value of the vehicle as indicated in the insurance document. The petitioner while submitting the surety and the bank guarantee or the original title deed as the case may be 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) That the petitioner shall not indulge in creating any third party right or interest in respect of the vehicle during the pendency of the confiscation proceeding and shall not alienate the vehicle during this period.

(iii) The petitioner shall furnish an undertaking to produce the vehicle before the confiscating authority as and when required.



(iv) Prior to release of the vehicle a Panchnama would be prepared by the 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 Panchnama in course of trial.

The original title deed if deposited shall be kept in safe custody with the court below.

The release shall be allowed within a period of 14 days from the date of submission of the surety along with a Bank Guarantee and the undertakings as stated above. This release however would be subject to the final order to be passed in the confiscation proceeding.

The writ petition is allowed with the directions above.

(Jyoti Saran, J)

B.Kr./-

(Nilu Agrawal, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05.02.2019
Transmission Date	N/A

