

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19476 of 2018

Abul Hasan, S/o Md. Ayub Khan, Resident of Village-Simariya, P.S.-
Triveniganj, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Bihar, Patna.
2. The Principal Secretary, Excise Department, Government of Bihar, Patna.
3. The Collector, Araria.
4. The District Transport Officer, Araria.
5. The Superintendent of Police, Araria.
6. The Excise Superintendent, Araria.
7. The Station House Office, Sikty Police Station, Araria.
8. The Motor Vehicle Inspector, Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate
For the Respondent/s : Mr. Kumar Manish -SC5

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 08-04-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner prays for provisional release of the
Bolero vehicle bearing Registration No. B.R.11F 7546 , Engine
No. GA94C53219, Chasis No. MA1PL22GAK92C80418, which
has been seized in connection with Sikty P.S. Case No. 57 of
2018 for the offences punishable under Section 30(A) of the
Bihar Prohibition and Excise Act.

Learned counsel appearing on behalf of the



petitioner submits that he has no information about initiation of the confiscation. It is stated that the vehicle is lying in the police station. The seizure list reflects the seizure of 46.875 liters of IMFL.

Having heard learned counsel for the parties and taking note of the nature of seizure made, we direct that the vehicle in question be released provisionally in favour of the petitioner on production of ownership and registration with respect to vehicle in question in his name before the designated Court below with one surety along with 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, if any, 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 *Panchanama* would be got 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 production of ownership/registration papers supporting the claim of the petitioner together with one surety along with the bank guarantee to the extent of the value of the vehicle as indicated in the insurance amount and the undertakings as stated above. This release would, however, be subject to initiation and finalization of the confiscation proceeding. The title deed papers shall remain in safe custody of the designated Court below subject to final decision in the



confiscation proceedings.

With the observations/directions above, this writ
petition is allowed.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Nasimul/Manish

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17-04-2019
Transmission Date	N/A

