

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18093 of 2018

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Kalendra Sah Son of Bhola Sah Resident of Village- Bagar, P.S. Sikrahata,
District- Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate-Cum-Collector, Bhojpur.
3. The Superintendent of Police , Bhojpur, District Bhojpur.
4. The Officer -in-Charge, Charpokhari Police Station, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhat Kumar Singh
For the Respondent/s	:	Mr.Anil Kumar Sinha -GA1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 11-03-2019

Heard.

Prayer is for provisional release of the Motorcycle bearing Registration No. BR-03J-4163, which has been seized in connection with Charpokhari P.S. Case No. 73 of 2018 corresponding to Excise Case No. 478 of 2018 for the offences punishable under Sections 30(a), 37(b) of the Bihar Prohibition and Excise Act.

It is informed by the learned counsel for the State that confiscation proceeding is pending and the seizure list reflects the seizure of 8.60 liters of I.M.F.L.



Having heard learned counsel for the State and taking note of the nature of seizure made as well as the fact that the confiscation proceeding is pending, 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 District Magistrate-cum-Collector, Bhojpur with two sureties to the extent of the value of the vehicle 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) 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, the District Magistrate-cum-Collector, Bhojpur would get prepared a



Panchanama 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 and the undertakings as stated above. This release would, however, be subject to the final order passed in the confiscation proceeding.

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

(Jyoti Saran, J)

(Arvind Srivastava, J)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2019
Transmission Date	NA

