

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19927 of 2018

=====

Dinesh Das son of Dwarika Das, resident of Village- Baruraj, P.S. Baruraj,
District Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Muzaffarpur.
2. The Collector-cum-District Magistrate, Muzaffarpur.
3. The Senior Superintendent of Police, Muzaffarpur.
4. The Excise Superintendent, Muzaffarpur.
5. The Officer-in- Charge of Baruraj Police Station, Muzaffarpur.
6. The Investigating Officer of Baruraj P.S. Case No. 111/18, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan
For the Respondent/s : Mr. Anil Kr. Sinha- GA1

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

and

HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 15-04-2019

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

This writ petition is filed by the petitioner, who is
the brother of the owner of the seized vehicle as he lives abroad
praying for provisional release of the Hero Glamour Motorcycle
bearing Registration No. BR06BH-0698, which has been seized
in connection with Baruraj P.S. Case No. 111 of 2018 for the
offences punishable under sections 290, 294, 272, 273, 353,
186, 341, 323, 393, 34 of the Indian Penal Code and sections



30(a), 37(c) of the Bihar Prohibition and Excise Act.

It is stated by learned counsel for the petitioner that confiscation proceeding is yet to be initiated and the vehicle is lying under the open sky in the police station. The seizure list reflects the seizure of 1.050 litres of IMFL.

Having heard learned counsel for the parties and taking note of the nature of seizure made as well as the fact that the confiscation proceeding is yet to be initiated, 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 brother's name before the Court below with two sureties (one local) 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, 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 submission of the sureties and the undertakings as stated above. This release of the vehicle would, however, be subject to initiation and finalization of the confiscation proceeding.

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

(Jyoti Saran, J)

(Arvind Srivastava, J)

shailendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2019
Transmission Date	NA

