

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19796 of 2018

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Mukul Yadav Son of Rigai Yadav@ Mohan Yadav Resident of Village- Barki
Singhi, P.S. Ara Nagar, District- Bhojpur, Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Excise Department.
2. The District Magistrate, Bhojpur at Ara.
3. The Superintendent of Police, Ara.
4. The Officer-In-Charge, Ara Nagar, Police Station and District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta

For the Respondent/s : Mr. Vikash Kumar -SC11

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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 : 08-04-2019

Learned counsel for the petitioner is permitted to correct the make and chasis number of the vehicle in paragraph 1 and synopsis respectively, of the writ petition in course of the day.

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



The petitioner prays for provisional release of the Glamour Motorcycle bearing Registration No. BR-03D-7936, which has been seized in connection with Ara Nagar P.S. Case No. 362 of 2018 (Excise Case No. 1038 of 2018) for the offences punishable under Sections 30, 30(a), 36(o) 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 in the police station. The seizure list reflects the seizure of 21 liters of country liquor.

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 name before the designated court below 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, as and when initiated, 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 designated Court below. would got 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 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)

mcv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.04.2019
Transmission Date	NA

