

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3505 of 2020

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Sonu Kumar, S/o Dina Sao alias Dina Nath, resident of rented house of Rameshwar Sao at Govind Pur, P.S.- Fatuha, Dist- Patna.

... .. Petitioner/s

Versus

1. State of Bihar, represented through Principal Secretary, Department of Excise Govt. of Bihar, (Patna).
2. Officer-in-charge, Fatuha Police Station (Patna).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Tilak Sao
For the Respondent/s : Mr.Vivek Prasad (Gp7)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 10-11-2020

Heard the parties.

Petitioner has prayed for following relief:-

“This is an application for issuance of the proper writ/writs, order/ orders, direction/ directions for the release of the seized scooty (two wheeler) bearing registration No.BR-01CZ-1249, Engine No. E3N6E0143932 of the petitioner which is seized in connection with special case No.4477/19 arising out of Fatuha P.S. Case No.289/19, U/s 30(a) of the Bihar (Prohibition) Excise Act, 2016 by the Fatuha Police pending in the court of Special Judge, Excise Act, Patna in the favour of the petitioner.”

It is submitted on behalf of counsel for the State that confiscation proceeding has been initiated by the Confiscating authority being confiscation case no.2123 of 2019-20 for confiscation of seized vehicle.

The writ petition is disposed of with a direction to the



confiscation authority to conclude the confiscation proceeding within 90 days from the date of filing of show cause, if show cause is not filed or within 90 days from the date of receipt/production of a copy of order passed by this Court, if the show cause has already been filed failing which Confiscating authority, Patna shall provisionally release the vehicle of petitioner after due identification of ownership of the vehicle and on production of ownership and registration document with respect to vehicle in question in his name 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 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.
- (ii) The petitioner shall furnish an undertaking to produce the vehicle before the confiscating authority/trial court as and when required.
- (iii) Prior to release of the vehicle, a Panchanama would be prepared wherein



the photograph of the vehicle shall be taken and will be certified by the petitioner and 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.

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, which would however be subject to finalization of the confiscation proceeding.

With said observations, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.11.2020
Transmission Date	NA

