

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3154 of 2020

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Ranjan Kumar Manjhi @ Ranjan Manjhi, Son of Suresh Manjhi, Resident of
Village- Kukurbhuka, P.O.- Badheya, P.s.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna
2. The District Magistrate Gopalganj
3. The Superintendent of Police, Gopalganj
4. The Officer In-charge Mirganj Police Station, District- Gopalganj
5. The Investigation Officer, Mirganj Police Station, District- Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Adv.

For the Respondent/s : Mr. Kumar Manish (SC-5)

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(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence).

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 25-08-2020

Heard parties.

Petitioner has prayed for following reliefs:-

“For issuance of an appropriate writ/writs, direction/directions for commanding the respondent to issue an appropriate writ in the nature of writ of mandamus of directing the respondents to release the TVS Star



City Motorcycle bearing Registration No. BR-28T-6230 which was seized in connection with Mirganj P.S. Case No. 275 of 2019 dated 13.11.2019 instituted for offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.”

This writ petition has been filed for release of vehicle which has been seized by the Police on 13.11.2019 on account of institution of FIR under section 30(a) of the Bihar Prohibition and Excise Act giving rise to Mirganj P.S. Case No. 275 of 2019 as there is recovery of illicit liquor from the motorcycle same is liable for confiscation under the Excise Act.

It has been submitted on behalf of counsel for the State that the confiscation proceeding has been initiated against the seized vehicle being confiscation No. 663 of 2019 pending before the Confiscating Officer, Gopalganj.

Petitioner is directed to appear before the Confiscating Officer, Gopalganj, if not already appeared on 14th September, 2020 and shall file his show-cause and confiscating authority is directed to conclude the confiscating proceeding within 90 days from the date of filing of show-cause, failing which the vehicle



shall be provisionally released till conclusion of confiscating proceeding on production of ownership and registration 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 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.

With said direction and observations, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

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

