

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3534 of 2020

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Aryan Parashar, S/o Ramanand Pathak R/o Nawabganj, P.S.- Manihari, Distt-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Deptt., Patna, Bihar.
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. The S.H.O. Manihari Police Station, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.

For the Respondent/s : Mr.Kumar Manish (SC5)

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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 ORDER

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

2 05-11-2020 This writ petitioner has been filed on behalf of the petitioner for interim release of his vehicle during pendency of confiscation proceeding.

Counsel for the State submits that confiscation proceeding has already been initiated against the seized vehicle being Confiscation Case No. 384/19-20 in which petitioner has already appeared.

Confiscating Officer is directed to conclude the



confiscation proceeding within 90 days from the date of receipt/production of a copy of order passed by this court if show cause has already been filed or 90 days from date of filing of show cause if show cause has not been filed, failing which District Magistrate, Katihar shall provisionally release the vehicle of petitioner after due identification of ownership of the vehicle and on production of ownership and registration certification 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 or Special Court (Excise) 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)

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