

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7028 of 2020**

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Jay Prakash Kumar @ Jay Prakash Son of Sanjay Kumar Gupta Resident of  
Village- Thawe Road, Kaushalya Chowk, P.S. and District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
2. The District Magistrate Gopalganj.
3. The Superintendent of Police Gopalganj.
4. The Officer in Charge Gopalganj (Town) Police Station, Gopalganj.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Dhramveer  
For the Respondent/s : Mr.Kumar Manish ( Sc5 )

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

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

**Date : 09-11-2020**

Heard the parties.

Petitioner has prayed for following relief:-

“This writ application is being filed on behalf of

the petitioner in the nature of writ/writs, order/orders,  
direction/directions upon the respondents to release the  
Bajaj Pulser Motorcycle of the petitioner bearing No.  
BR28W-3009, Chassis No. MD2A11CYIJRM38235,  
Engine No. DHYRJM11112 which is seized in connection  
with Gopalganj (Town) P.S. Case No. 23 of 2020, dt.  
12.1.2020 under Section 30(a)/41(I) of the Bihar  
Prohibition & Excise Act, 2018.”

It is submitted on behalf of counsel for the State that  
confiscation proceeding has been initiated by the Confiscating



authority being confiscation case no.427/20 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, Gopalganj 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/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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