

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5326 of 2020

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Sarswati Devi, Wife of Jageshwarr Sahani, Resident of Village Hanuman
Nagar Ward No. 01, P.O.-Sahiara, P.S.-Sahiara, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Registration Excise and Prohibition Department, Govt. of Bihar at Patna.
2. The District Magistrate-Collector, Sitamarhi.
3. The Superintendent of Police, Sitamarhi.
4. The Officer-in-Charge, S.H.O. Bathanaha Police Station, Dist-Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Navin Kumar Sinha, Adv.
For the Respondent/s : Mr.Vikash Kumar (S.C. 11)

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

Date : 04-09-2020

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

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has prayed for following relief:-

“For the release of seized Bajaj Platina 100 motorcycle bearing its Registration No. BR30U3387 seized by the Bathanaha police and kept in night during night patrolling armed force came near Nirmala Petrol



Pump situated at N.H. 77, in connection with Bathanaha P.S. Case No. 208 /19 for offence under Section 30(a)(c) Bihar Prohibition and Excise Act 2016 which is pending before the Collector, Sitamarhi.”

Allegation is recovery of illicit Nepali Soufy liquor from the seized motorcycle, as such, the vehicle is liable for confiscation under Section 56 of Excise Act.

It has been submitted on behalf of State that on recommendation made by police, confiscation proceeding being Confiscation Case No. 1041/19 has been initiated by the District Collector, Sitamarhi and notices were issued to the registered owner of the seized vehicle to appear and file his show cause.

The writ petition is disposed of with direction to petitioner to appear in the confiscation proceeding on 21.09.2020 if not already appeared and file his show cause and the confiscating officer shall conclude the confiscation proceeding within 60 days from 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)

veena/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

