

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8182 of 2020

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Ranjeet Kumar Sah Son of Binod Prasad Sah, Resident of Mohalla - Kishori
Lal Chowk, Ward no. 10, P.S. Madhubani, Dist. - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Govt. of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Dy. Superintendent of Police, Madhubani.
5. The Station Head Officer, Madhubani Police Station, Dist. - Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Adv
For the Respondent/s : Mr. Vikash Kumar SC-11

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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 : 30-09-2020

Heard the parties.

Petitioner has prayed for following relief:-

“To issue a writ in the nature of mandamus to direct the respondent to release the vehicle of petitioner bearing Reg. No. BR32Q2731, Chasis No. ME4JC58ACFT025434, Engine No. JC58ET4025858, Model Motor Cycle Honda Drem Yuga, which has been seized in connection with G.O. Case No. 268/2019 of the offence under section 30(a), 32(3) of Bihar Act.”

Allegation is recovery of illicit liquor from the seized motorcycle which was being used for transportation of illicit



liquor as such is liable for confiscation under section 56 of the Excise Act. It is stated that on the recommendation of excise officials the District Magistrate has initiated confiscation proceeding being Confiscation case no. 33 of 2020-21.

Petitioner shall appear before the District Collector/Confiscating Authority on 12.10.2020 and shall file his show cause and district collector/confiscation authority shall conclude the confiscation proceeding within 90 days from the date of filing of show cause, if show cause has not been filed or 90 days from the date of receipt/production of a copy of order passed by this court, if show cause has already been filed, failing which District Magistrate / Confiscating Officer, Madhubani, shall provisionally release the vehicle of petitioner after due identification of ownership of the vehicle and on production of ownership and registration documents 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.

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.

Petition stands disposed of with the aforesaid observations/directions.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.10.2020
Transmission Date	NA

