

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7388 of 2020

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Arun Kumar Son of Late Nand Lal Singh Resident of Gajadhar Gali No.3,
Mohalla-Chiraiyatar, P.S.-Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The Collector Cum District Magistrate, Patna.
3. The Senior Deputy Collector, Excise, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Station House Officer, Kankarbagh, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Sinha, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC 11

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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 : 21-09-2020

Heard the parties.

Petitioner has prayed for following relief:-

“This is an application for issuance of appropriate writ/writs, order/orders, direction/directions directing the respondents to release the Tempo bearing registration No.BR01PD8539 in favour of petitioner namely Arun Kumar which was seized by Kankarbagh P.S. in connection with Kankarbagh P.S. Case No.996 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.”

Informant is a police officer who has alleged in his



written complaint that on 11.10.2019 he along with other police personnel was on patrolling duty when he received a confidential information that country made liquor laden on a tempo is being stored and on receiving said information, he reached the place and found illicit liquor laden on the tempo which was found there in abandoned condition and thereafter seized the tempo and the illicit liquor for which FIR was instituted giving rise to Kankarbagh P.S. Case No.996 of 2019 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is submitted that petitioner is the owner of the seized tempo against which confiscation case no.2233/2019-20 has been initiated by the District Collector-cum-Confiscating Officer, Patna.

Petitioner is directed to appear before the District Collector/Confiscating Officer, Patna on 05.10.2020 if not already appeared and to file his show cause if not already filed and District Collector/ Confiscating Officer shall conclude the confiscating proceeding within 90 days from the date of filing of show cause and if show cause is filed then within 90 days from the receipt of copy of order passed by this Court failing which, District Magistrate, Patna 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:

1. 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.

With said observations, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

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

