

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8261 of 2020

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Ranjit Yadav @ Ranjit Kumar Son of Sri Ambika Yadav @ Ambika Gop
Resident of Village- Tarwan, P.s.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar, Advocate

For the Respondent/s : Mr. Kumar Manish, SC 5

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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 : 06-10-2020

Heard the parties.

Petitioner has prayed for following relief:-

“This is an application for issuance of appropriate writ/writs, order/orders, direction/directions for commanding the respondent authority to release the HERO GLAMOUR motorcycle bearing Registration No.BR-01DT-9532 having Engine No.JA06ERJGD01667, Chassis No.MBLJAS05XJGD00391 in the favour of the petitioner who is the bonafide owner of the vehicle in question and said vehicle was seized in pursuance of Special Case No.3181/2019 arising out of Naubatpur P.S. Case No.185/2019 dated 20.03.2019 registered for offences under Sections 30(a), 38(ii) of Bihar Prohibition and Excise Act, 2016 read with Amendment 2018.

Petitioner further seeks indulgent of this Hon’ble Court for which he is entitled in the eyes of law and in the fact and circumstances of the present case.”

It has been submitted that confiscation proceeding against the seized vehicle has already been initiated being



confiscation case No.855 of 2019-20 in which show cause has already been filed by the petitioner, as such, present writ petition is disposed with a direction to the confiscating authority to conclude the confiscation proceeding within 90 days from the date of receipt/production of a 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 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.

With said observations, this writ petition is disposed
of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.10.2020
Transmission Date	NA

