

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8976 of 2020

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Arun Yadav, Son of Dhaneshwar Yadav, Resident of Village- Hasanpur, Ward
No. 10, P.S.-Palasi, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna.
2. The District Magistrate, Araria.
3. The Superintendent of Police, Araria.
4. The S.H.O., Palasi Police Station, District-Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv.
For the Respondent/s : Mr. Kumar Manish, S.C. 5

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 08-12-2020

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.

Petitoner has prayed for following relief:-

1. "For issuance of an order/orders,
writ/writs, direction/directions
commanding the respondents authority
to release the Bajaj CD-110 Motorcycle
bearing Registration No. BR-38U6738,
Chassis No. MD2B37AYOKRE64575



and Engine No. PFYRKE4317 belonging to the petitioner which has been seized by the police in connection with Special Case No. 388/2020 arising out of Palasi P.S. Case No. 119/2020 dated 17.04.2020 instituted for the alleged offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act 2018, pending in the court of learned A.D.J.-II-cum-Special Judge, Excise, Araria.”

It has been submitted on behalf of counsel for the State that confiscation proceeding has been initiated against the seized vehicle being Confiscation Case No. 489 of 2020 before the Confiscating authority, Araria and next date of this case is fixed as 31.12.2020.

The writ petition is disposed of with a direction to District Magistrate-cum-Confiscating authority, Araria to decide the confiscation case within 90 days from the date of filing of show cause, if no show cause has been filed or within 90 days from the date of receipt/production of a copy of this order, if show cause has been already filed, failing which the vehicle shall be provisionally released till conclusion of confiscating proceeding 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.



With said direction and observations, this writ petition
is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.12.2020
Transmission Date	NA

