

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18355 of 2019

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Rinku Devi @ Rinku Kumari W/o Mohan Das R/o Teliya Chhapra, P.S.-
Sahebganj, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Govt. of Bihar, Patna
2. The Director General of Police Bihar, Patna
3. The Collector-cum-The District Magistrate Muzaffarpur
4. The Superintendent of Police Muzaffarpur
5. The Excise Superintendent Muzaffarpur
6. The S.H.O. Sahebganj Police Station, Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Respondent/s : Mr. Vivek Prasad (Gp7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 05-11-2020

Heard the parties.

Petitioner has prayed for following relief:-

“This is an application for issuance of appropriate writ/writs, order/orders, direction/directions including the writ in the nature of mandamus commanding and directing the respondent authorities to release GALMOUR Motor Cycle bearing vehicle No.BR-06BC-0153, which has been seized in connection with Sahebganj P.S. Case No.135 of 2019 dated 08.04.19 registered for the offences under Sections



290/272/273/34 of the Indian Penal Code and under Section 30(a)/36/37(b)(c)/38(ii) of Bihar Prohibition and Excise Act, 2016 as the vehicle in question which has been wrongly and illegally seized in contravention of provisions as contained in Bihar Prohibition and Excise Act, 2016 and for issuance of writ/order/direction to which the petitioner is found entitled to in the facts and circumstances stated herein below.”

It is submitted on behalf of counsel for the State that confiscation proceeding has been initiated by the Confiscating authority for confiscation of seized vehicle.

The writ petition is disposed of with a direction to the confiscation authority to conclude the confiscation proceeding within 90 days from the date of filing of show cause, if show cause is not filed or within 90 days from the date of receipt/production of a copy of order passed by this Court, if the show cause has already been filed failing which Confiscating authority, Muzaffarpur 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:

(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/trial court 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	22.11.2020
Transmission Date	NA

