

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4809 of 2021

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SUDHIR KUMAR Son of Kanhaiya Singh Resident of village- Baruna
Gamaharia, P.s.- Akodhigola, Akorhi Bazar, District- Rohtas, Pin-821301

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna
2. The Excise Commissioner, Government of Bihar, Patna
3. The District Magistrate, Aurangabad
4. The Senior Superintendent of Police, Aurangabad
5. The Inspector of Excise, Aurangabad
6. The Station House Officer, Kutumba P.S., Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, 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 : 19-05-2021

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner has prayed for following relief:-

“For issuance of an appropriate writ/writs,
direction/directions upon the respondent authorities to release
vehicle bearing registration no. JH 10BT 8751, Engine
No.SJJ4C11750 and Chassis No.MA1TA2SJXJ2C30830, which



was seized by the police on 08/06/2019 in connection with Kutumba P.S. Case No. 83 of 2019 dated 08/06/2019 registered under Section 30(A) of the Bihar Excise and Prohibition (Amendment) Act, 2018 (hereinafter called “ the Bihar Excise Act, 2018”).)

(ii) For any other relief/reliefs, which the Hon’ble Court may grant to the petitioner in the interest of justice.”

As seized vehicle was found to be used in transportation of illicit liquor which was recovered from the vehicle as such, vehicle is liable for confiscation under Section 58 of the Excise Act.

It is submitted that confiscation case has already been initiated being confiscation case no.78/2020.

Petitioner is directed to appear in the court of the Confiscating Officer on 14.06.2021 and file his show cause and Confiscating Officer shall thereafter concluded the confiscation proceeding within 90 days from the date of filing of show cause failing which District Magistrate, Aurangabad 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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.05.2021
Transmission Date	NA

