

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5155 of 2021

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Rubi Devi, W/o Jitendra Kumar, resident of Village - Sorkahi, Sahsi, P.S. -
Alauli, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The Divisional Commissioner, Excise Department, Munger Division, Munger.
3. The Collector-cum-District Magistrate, Khagaria.
4. The Superintendent of Police, Khagaria.
5. The Dy S.P., Khagaria.
6. Manoj Kumar, ASI, Alauli P.S., District - Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Respondent/s : Mr. Vivek Prasad, G.P. 7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 19-05-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

- (i) “For issuance of any appropriate writ or writs, rule or direction especially in the nature of mandamus directing the respondent District Magistrate, Khagaria to release one Bajaj CT-100 motorcycle, bearing its registration no. BR09AE-0903 in green colour which has been seized



in connection with Alauli P.S. Case No. 330/2020, G.R. No. 3155/2020 alleged offences under Sections 30(a) of Bihar Prohibition and Excise Act 2018.

(ii) For issuance of any appropriate writ of writs, rule or direction as his Lordships may deem fit and proper to the fact and circumstances of the case as well as for which the petitioner may be found entitled there too.”

As seized vehicle was found to be used in transportation of illicit liquor which was recovered from the vehicle as such, said 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.53 of 2021.

Petitioner is directed to appear in the court of the Confiscating Officer on 01.07.2021 and file his show cause and Confiscating Officer shall thereafter conclude the confiscation proceeding within 90 days from the date of filing of show cause, and if show cause has already been filed, then conclude the same within 90 days from the date of receipt/production of a



copy of this order, failing which District Magistrate, Khagaria 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)

veena/rajiv-

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

