

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4775 of 2021

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Sanjay Yadav Son of Ramakant Yadav Resident of Village- Katkuiyan, P.S.-
Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Senior Superintendent of Police, Patna.
4. The District Magistrate-cum- Collector, East Champaran.
5. The Deputy Superintendent of Police, Chiraiyan, East Champaran.
6. The S.H.O. Pipra Police Station, Dhaka, District- East Champaran.
7. The Investigating Officer of Dhaka P.S. Case No. 421 of 2020, East
Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar
		Mr. Rakesh Kumar, Advocates
For the Respondent/s	:	Mr. Vikash Kumar, SC 11

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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 releasing the Hero Super Splendour Motorcycle
being Reg. No.BR05X8153, Chassis
No.MBLJARR038H9H43743, Engine No.JA05EGH9H44661
seized in connection with Dhaka P.S. Case No. 421 of 2020 dated



15.10.2020 instituted under Sections 414/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2018, awaiting confiscation.

B. To any other relief/s to which the petitioner is found entitled to.”

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

It is submitted that confiscation case has been initiated being confiscation case no.208/2021.

Petitioner is directed to appear in the court of the Confiscating authority on 01.07.2021 and file his show cause and Confiscating authority shall thereafter conclude the confiscation proceeding within 90 days from the date of filing of show cause failing which Confiscating authority, East Champaran at Mohihari 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	03.06.2021
Transmission Date	NA

