

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7644 of 2021

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Pravin Kumar, Son of Vishnupad Prasad, Resident of Village - Imamganj, P.S.
Khirimore, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Environment and Excise, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Assistant Commissioner Excise, Gaya.
4. The Inspector, Excise, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, 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 : 21-06-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“That this writ petition is being
filed on behalf of the petitioner in
nature of writ/writs, order/orders,
direction/directions upon the
respondents to release the seized
Tata 207DIRX Pick Up vehicle
bearing Registration No.
BR02Q1825, Chassis No.



MAT478012B9H26348, Engine
No. 497SP38HYY643425, which
is seized in connection with
Excise Case No. 343/2018, under
Section 30(a) of the Bihar
Prohibition & Excise Act, 2016.

It is submitted on behalf of petitioner that he is the owner of the seized vehicle which was stolen by unknown thieves on 20.07.2018 for which he has lodged FIR giving rise to Khiri More P.S Case No. 68 of 2018 for the offence punishable under Section 379 of IPC, and same was being used by the miscreants for transportation of illicit liquor and 2000 litres of Country Made Liquor was recovered by the police from said stolen vehicle and the culprits were arrested with vehicle which was seized by the police.

Petitioner claims to be owner of the seized vehicle and same was stolen on 20.07.2018 for which he had earlier instituted a case as such, petitioner cannot be held to be responsible for transportation of illicit liquor, however, since the vehicle was used for transportation of illicit liquor same is liable for confiscation and confiscation proceeding has been initiated by the District Collector, Gaya, in which petitioner



appeared and filed his show cause for dropping the confiscation proceeding and also release of his seized vehicle but no order was passed.

In the facts and circumstances of the case, the District Magistrate/Confiscating officer, Gaya is directed to provisionally release the vehicle of petitioner after due identification of ownership of the vehicle which was stolen and subsequently recovered and seized by the police in excise case on production of ownership and registration papers 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.



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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

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

