

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8452 of 2021

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Kundan Kumar S/o Mohan Singh Resident of Village- Orhanpur, P.S.-
Nawada Mufassil, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Government of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The District Magistrate, Nawada.
5. The Excise Superintendent of Police, Nawada.
6. The Station Head Officer, Police Station, Mufassil Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate
For the Respondent/s : Mr. Vikash Kumar, SC-11.

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 28-06-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“I. For issuance of writ in the appropriate nature for direction to the Respondent Authorities to release the motor cycle Glamour in question bearing Registration no. BR 02K-3375 which has been seized in Nawada Mufassil P.S. Case No. 12/2021 and it has been alleged that from the said motor cycle, nothing has been recovered.

II. For any other order/ orders for which this Hon’ble court may deem fit and proper.”



It is submitted that no illicit liquor was recovered from the vehicle. Name of petitioner has surfaced in this case only on the basis of confessional statement of co-accused Manju Devi and on that basis motorcycle of the petitioner was seized by the police.

In facts and circumstances of present case, District Magistrate/Confiscating Authority, Nawada is directed to provisionally release the vehicle of petitioner after due identification of ownership of the vehicle 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, 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

