

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8851 of 2021**

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Satyendra Kumar Singh, S/o Ramnarayan Singh, Resident of Village-Katalpur, P.S. Baikunthpur, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Bihar Prohibition and Excise Department, Bihar, Patna.
2. The Excise Officer, Bihar Prohibition and Excise Department, Gopalganj.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, District of Gopalganj, Bihar.
5. The Officer in charge of Baikunthpur Police Station, District-Gopalganj.

... .. Respondent/s

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**(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)**

**Appearance :**

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| For the Petitioner/s | : | Mr.Harendra Prasad, Adv |
| 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 )**

**Date : 01-07-2021**

Heard parties.

Petitioner has prayed for the following reliefs:-

*“To issue an appropriate order/s, direction/s including a writ preferably in nature of Mandamus commanding the respondents to release the vehicle/Agriculture Tractor Swaraj bearing Reg No. BR 29GA 9913, Chassis No. WZTF30427131585 and Engine No. 39.1354/HF006102A in favour of the petitioner who is owner of the said Tractor seized in Baikunthpur PS Case No. 15/2020 under section 30(a) of Bihar Prohibition and Excise Act, 2016 lying in the premises of Police station and subject to natural decay by furnishing sufficient security to the satisfaction of learned ADJ-II-cum-Spl. Judge, Excise, Gopalganj.”*



It has been submitted by learned counsel for petitioner that nothing has been recovered from the Tractor of the petitioner but on the basis of suspicion only, his tractor has been seized as it was parked in front of the house of his neighbour Santosh Das from whose possession, illicit liquor has been recovered. It has been further submitted that confiscation proceeding has not been concluded as yet.

The writ petition is disposed of with a direction to the **District Collector/Confiscating Officer, Gopalganj** to conclude the confiscation case within 90 days from the date of receipt/production of copy of order passed by this Court, if show cause has already been filed or within 90 days from the date of filing of show cause, failing which **District Magistrate, Gopalganj** shall provisionally release the vehicle of petitioner after due identification of ownership of the vehicle and on production of ownership and registration 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 observation and direction, this writ petition is disposed of.

**(Sanjay Karol, CJ)**

**( S. Kumar, J)**

ranjan/-

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| CAV DATE          | NA   |
| Uploading Date    |      |
| Transmission Date | NA   |

