

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9770 of 2020

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Ranjit Yadav @ Ranjit Kumar, Son of Sri Ambika Yadav @ Ambika Gop
Resident of Village- Tarwan, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar, Advocate
For the Respondent/s : Mr.Lalit Kishore, A.G.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 05-01-2021

Petitioner has prayed for the following relief(s):-

“This is an application for issuance of appropriate writ/writs, order/orders, direction/directions for commanding the respondent authority to release the HERO GLAMOUR motorcycle bearing Registration No.BR-01DT-9532 having Engine No.JA06ERJGD01667, Chassis No.MBLJAS05XJGD00391 in the favour of the petitioner who is the bonafide owner of the vehicle in question and said vehicle was seized in pursuance of Special Case No.3181/2019 arising out of Naubatpur P.S. Case No.185/2019 dated 20.03.2019 registered for offences under Sections 30(a), 38(ii) of Bihar Prohibition and Excise Act, 2016 read with Amendment 2018.

Petitioner further seeks indulgent of this Hon’ble Court for which he is entitled in the eyes of law and in the fact and circumstances of the present case.”

Learned counsel for the petitioner states that perhaps mistakenly, registry has registered two cases of very same subject matter. He further states that earlier application, being CWJC No. 8261 of 2020, titled as Ranjit Yadav @ Ranjit



Kumar Vs. The State of Bihar, listed first already stands disposed of vide order dated 06.10.2020. The said order exactly reads as under:-

“Heard the parties.

Petitioner has prayed for following relief:-

“This is an application for issuance of appropriate writ/writs, order/orders, direction/directions for commanding the respondent authority to release the HERO GLAMOUR motorcycle bearing Registration No.BR-01DT-9532 having Engine No.JA06ERJGD01667, Chassis No.MBLJAS05XJGD00391 in the favour of the petitioner who is the bonafide owner of the vehicle in question and said vehicle was seized in pursuance of Special Case No.3181/2019 arising out of Naubatpur P.S. Case No.185/2019 dated 20.03.2019 registered for offences under Sections 30(a), 38(ii) of Bihar Prohibition and Excise Act, 2016 read with Amendment 2018.

Petitioner further seeks indulgent of this Hon’ble Court for which he is entitled in the eyes of law and in the fact and circumstances of the present case.”

It has been submitted that confiscation proceeding against the seized vehicle has already been initiated being confiscation case No.855 of 2019-20 in which show cause has already been filed by the petitioner, as such, present writ petition is disposed with a direction to the confiscating authority to conclude the confiscation proceeding within 90 days from the date of receipt/production of a copy of order passed by this Court failing which District Magistrate, Patna, 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 observations, this writ petition is disposed of.”

In view of the same, the present petition stands disposed of.

(Sanjay Karol, CJ)

(Rajeev Ranjan Prasad, J)

sujit/-

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