

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13382 of 2021

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Jakir Hossain, S/o Late Samsul Islam, R/o- Prantikpara, P.O.- Chaltia, P.S.-
Brahampur, District- Murshidabad (West Bengal).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Prohibition, Excise, Registration Department, Government of Bihar.
2. The District Magistrate Kishanganj.
3. The Superintendent of Police Kishanganj.
4. The Officer-in- Charge, Piprahi Police Station District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vishal Vikram Rana, Advocate
For the Respondent/s : Mr.Vivek Prasad (GP-7)

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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 : 03-08-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(a) For issuance of writ in the nature of Mandamus or any other appropriate writ/direction/order to the Respondent to release the seized vehicle named Renault Duster RXZ Diesel 110 PS bearing registration No. WB-58 AL-3535, Chassis No. 7003275 and Engine No. E014224 in favour of the Petitioner, seized in connection with Kishanganj Special Case No. 343/2019 dated 16.09.2019. in the light of Order

passed by learned Patna High Court in the matter CWJC No.- 20598 of 2019, titled as Md. Shaukat Ali Vs. State of Bihar and CWJC No. 2050 of 2020 titled as Bunilal Sah Munilal Sah.

For any other relief/s, which this Hon'ble Court, deem, fit and proper.

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

It is submitted that confiscation case has been initiated being confiscation case no. 215/2019 by the Confiscating Officer, Kishangaj. It is further submitted that petitioner has appeared in the confiscation case and thereafter the order has been reserved by the confiscating authority since 1 year but no order has been pronounced as yet.

Petitioner is directed to appear in the court of the Confiscating Officer on 23.08.2021 and Confiscating Officer shall thereafter conclude the confiscation proceeding within 30 days from the date of production/receipt of a copy of order passed by this Court, if not already concluded. Failing which District Magistrate, Kishanganj 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)

Rajiv/veena-

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