

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14031 of 2021

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Satyajit, Son of - Majoj Thakur, Resident of Village - Misrauliya, P.S. -
Chiraiya, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Excise,
Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Collector/ District Magistrate, East Champaran at Motihari.
4. The Superintendent of Police, East Champaran, Motihari.
5. The S.H.O., P.S. - Dhaka, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1, Advocate
For the Respondent/s : Mr. Kumar Manish (SC-5)
Mr. Kumar Pankaj, AC to SC-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

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

Date : 16-08-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) For of an appropriate writ/writs,
direction/directions, order/orders especially in
the nature of Mandamus with a direction upon
the respondent/respondents to hand over the

petitioner's motor cycle bearing Engine No. JA06EJFGK08346, Chasis No. MBLJA-06AMFGK07135.

(II) for any other relief/reliefs to which petitioner may be found entitled in the facts and circumstances of the case.”

It is submitted that 30 bottles, each containing 300 ml. Nepali liquor was recovered from three motorcycles including motorcycle of petitioner which was stolen on 25.12.2020 for which he had instituted an FIR (Annexure-3) and his stolen vehicle was misused by miscreants for transporting illicit liquor and for which petitioner cannot be held to be responsible.

In facts and circumstances of present case, District Magistrate/Confiscating Authority, East Champaran at Motihari 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