

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10214 of 2020

Mrs. Soni Kumari, Daughter of Babulal Prajapat, Wife of Sri Satyendra Kumar, Resident of Village- Manpur, Kumhar Toli, Police Station- Gaya Mufassil, District- Gaya at present residing at village- Hargawan, Police Station- Manpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
2. The District Magistrate, Jamui.
3. The Superintendent of Excise, Jamui.
4. The Inspector, Prohibition and Excise, Jamui.
5. The Sub Inspector, Prohibition and Excise, Jhajha Circle, Jamui.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md.Imteyaz Ahmad, Advocate
For the Respondent/s	:	Mr. Vivek Prasad, G.P. 7

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

Date : 24-05-2021

Heard the parties.

Petitioner has prayed for following relief(s):-

“(i) For issuance of an appropriate writ, order or direction for directing the respondent authority to release Mahindra BOLERO PICK-UP Goods Carrier vehicle of the petitioner bearing its Registration No. BR02GB



7393, Chassis No.
MA1ZU2TBKK1M 91141 and
Engine No. TBK1M96005 (Colour
White) which is seized in connection
with Jamui Excise Case being Case
No. 179C2/2020 registered for the
alleged offence under Section 30(a)
of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

It is submitted on behalf of counsel for the State
that confiscation proceeding being Confiscation Case No.
179C2/2020 has already been initiated against the petitioner and
pursuant to the notice issued to him, he has already appeared in
the said confiscation proceeding.

The writ petition is disposed of with a direction to the
Confiscating Authority to decide the confiscation proceeding
within 90 days from the date of filing of the show cause by the
petitioner and if show cause has already been filed within 90
days from date of receipt/production of a copy of order passed
by this Court, failing which District Magistrate/Confiscating
Authority, Jamui 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.



Writ petition is accordingly disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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

