

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17056 of 2021

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Sumit Yadav Son of Makeshwar Yadav Resident of Village- Khadagwara,
P.S.- Ramgarh Chowk, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Collector, Lakhisarai.
3. The Superintendent of Police, Lakhisarai.
4. The S.H.O. of Kiul Police Station, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr.Vikash Kumar (Sc11)

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

Date : 03-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“(i) For issuance of an appropriate writ commanding the respondents to release the Commander jeep of petitioner having Registration No.JH-12A-3059 bearing Chassis No.ABA31A10720, Engine No.AB31A10119 lying in the campus of Kiul police station in the district of Lakhisarai in connection with Kiul P.S. Case No. 10/21.

(ii) Any other relief or reliefs for which the petitioner is entitled under law as well as on facts.”

Allegation is recovery of 20 litres country made mahua from the seized Commander Jeep.

It is submitted on behalf of the learned counsel for the petitioner that on the alleged date of occurrence, the said jeep

was going to Lakhisarai with the passengers and in the said jeep, in the bucket of vegetables, country made liquor was kept of which the owner and driver of the vehicle had no knowledge that illicit liquor has been concealed in the vehicle by one of the passengers. .

It is further submitted that till date no notice regarding any confiscation proceeding has been served to the petitioner.

In the facts and circumstances of the case, the **concerned District Magistrate/Confiscating officer** is directed to initiate confiscation proceeding, if not already initiated, and provisionally release the vehicle of petitioner after due identification of ownership of the vehicle which was seized by the police in excise case 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 and direction, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	
CAV DATE	
Uploading Date	13.12.2021
Transmission Date	