

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17195 of 2021

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Sila Devi, Wife of Chandra Shekhar Mandal, Resident of Village/Muhalla-Tetari, P.S.-Naugachhia, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department at Patna.
2. The Divisional Commissioner, Excise Department, Patna Division, Patna.
3. The District Collector, Munger.
4. The Superintendent of Police, Munger.
5. The Officer-in-charge, Jamalpur Police Station, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh
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 : 10-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For releasing the four wheeler vehicle having its registration No.BR-10PB3872 in the name of Sila Devi in connection with Jamalpur P.S. Case No.133 of 2021 under Sections 30(a)/37(B)/37(C) of the Bihar Prohibition and Excise (Amendment) Act, 2018 which is pending before the Court of Special Judge (Excise Act), Munger/District Collector, Munger.

Allegation is recovery of 750 ml. of illicit liquor from the seized car giving rise to Jamalpur PS Case No. 133 of 2021 under sections 30(a), 37(c)/37(C) of the Bihar Prohibition

and Excise (Amendment) Act, 2018.

Petitioner claims to be the owner of the said vehicle and only 750 ml. illicit liquor has been recovered. It is further submitted that petitioner had no knowledge about illicit liquor being kept in his car.

In the facts and circumstances of the case, the **concerned District Magistrate/Confiscating officer, Munger** is directed to 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
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