

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17958 of 2021

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Bulet Kumar, Son of Kanchan Sah, Resident of Village Dalaya, Amwa
Nakchhed, P.S. Kuchai Kota, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Excise Department,
Government of Bihar, Patna.
2. The Principal Secretary Department of Excise, Bihar, Patna.
3. The District Magistrate, Motihari, East Champaran.
4. The Excise Superintendent, Motihari, East Champaran.
5. The Excise Inspector, Raxaul, Motihari, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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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

Learned counsel for the petitioner seeks permission to

correct the district name of the petitioner's address as mentioned

in the cause title.

Permission is granted.

Let the petitioner correct the district name of

petitioner's address as 'Gopalganj' in place of 'East Champaran'

“I. For issuance of appropriate writ,
direction the respondent to release of seized
Motorcycle (Hero Passion Pro); bearing
Registration No. BR28R-4980, Engine No.
HAIOACHHD24414, Chasis No. MBLHAR
182HHD86154 later on after theft the

changed Registration No. BR22P-2092 in connection with Excise Case No. 251/2021 offence under section 30(a) Excise Act.

II. For issuance of any other relief/reliefs as your Lordships may deem fit and proper for ends of justice.”

It is submitted on behalf of the petitioner that he is the owner of the seized vehicle which was stolen by unknown thieves on 09.01.2021 for which he has lodged FIR giving rise to Jadopur P.S. Case No. 12/2021 for the offence punishable under Section 379 of IPC, and same was being used by the miscreants for transportation of illicit liquor and 17.250 litres of foreign liquor and 32 litres Kasturi wine was recovered by the police from said stolen vehicle which was seized by the police.

Petitioner claims to be owner of the seized vehicle and same was stolen on 09.01.2021 for which he had earlier instituted a case as such, petitioner cannot be held to be responsible for transportation of illicit liquor, however, since the vehicle was used for transportation of illicit liquor same is liable for confiscation.

In the facts and circumstances of the case, the District Magistrate/Confiscating officer, Motihari, East Champaran is directed to provisionally release the vehicle of petitioner after due identification of ownership of the vehicle which was stolen

and subsequently recovered and 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)

Rajiv/veena-

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