

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19847 of 2021

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Sanjeev Kumar son of Ashok Prasad, resident of Village-Chhitrauli, P.S.-
Dhanaruya, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The Superintendent of Excise, Begusarai.
5. The Sub Divisional Officer, Baliya, Begusarai.
6. The Deputy Collector Land Reforms, Baliya, Begusarai.
7. The Vehicle Inspector, Begusarai.
8. The Officer in Charge, Baliya P.S., Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Chakravarti, Advocate
For the Respondent/s : Mr.Vikash Kumar, SC-11

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

Date : 23-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief:-

1. That this is an application for issuance of an appropriate writ/order/direction particularly in nature of Certiorari for quashing the order dated 09.04.2021 passed by the Deputy Collector Land Reforms, Baliya, Begusarai (the respondent No. 6) in Confiscation (Excise) Case No. 14 of 2021 whereby and whereunder the respondent No. 6 directed to initiate proceeding for confiscate the Mahindra Pick Up Reg. No. BR 01 GD 2800 seized in Baliya P.S. Case No. 166 of 2020 and dropped its proceeding.



It is submitted on behalf of petitioner that he is the owner of the seized vehicle which was stolen by unknown thieves on 10.06.2020 for which he has lodged FIR giving rise to By Pass P.S. Case No. 183 of 2020 for the offence punishable under Section 379 of IPC, and same was being used by the miscreants for transportation of illicit liquor and 915 litre of illicit foreign liquor was recovered by the police from said stolen motorcycle giving rise to Baliya P.S. Case No.166 of 2020 dated 22.06.2020 for the offence punishable under Sections 272, 273 and 120B of the IPC and Section 30, 32 and 42(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Petitioner claims to be owner of the seized motorcycle and same was stolen 10.06.2020 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, **District Magistrate/Confiscating officer, Begusarai**, 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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2021
Transmission Date	

