

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20246 of 2021

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Pramod Kumar son of Sri Ravindra Singh R/o Village- Chilbili, P.S.- Beur,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna
2. The Director General of Police, Department of Police, Government of Bihar, Patna.
3. The Inspector General of Police, Patna Division, Patna.
4. The District Magistrate, Patna, District- Patna.
5. The Superintendent of Police, Patna, District- Patna.
6. The Deputy Superintendent of Police, Patna, District- Patna.
7. The Station House Officer, Police Station- Beur, District- Patna.
8. The Investigation Officer of Beur P.S. Case no. 308/21 dated 17.7.2021.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bindeshwar Kumar, Advocate
For the Respondent/s : Mr.Kumar Manish, SC-5

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

Date : 23-12-2021

Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner has prayed for the following reliefs: -

“For issuance of an appropriate direction, order or writ in the nature of mandamus directing the respondents concerned to release the Hero H Glamour Motor Cycle bearing registration no.- BR01BD6430, Chasis No. MBLJA06EUBGF15381, Engine No.- JA06EFBG18880 which has been seized by the police in connection with Beur P.S.



Case No. 308/21 dated 17.7.2021 registered under sections 30(a) of the Bihar Prohibition and Excise Act, 2016 corresponding to Special Case No. 4368/21 pending before the learned court of Special Judge Excise, Patna; in favour of the petitioner.

And/or

Pass such other order/orders as deem fit and proper in the facts and circumstances of the instant application.”

Petitioner claims to be the owner of the seized motorcycle and said motorcycle was taken by one Rohit Kumar who had come to his shop for repairing his fan. It is further submitted that only 360 ml. illicit liquor was recovered and petitioner was not aware that said illicit liquor was kept in his motorcycle.

In the facts and circumstances of the case, concerned District Magistrate/Confiscating Authority 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.

With said observations, this writ petition is disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.12.2021
Transmission Date	

