

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20268 of 2021

Prabhu Yadav Son of Banaras Yadav Resident of House No. 2179, Gali No. 60, B Block, Sant Nagar Burari, North Delhi, Delhi- 110084.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Department of Prohibition Excise and Registration, Government of Bihar, Patna.
2. The Secretary, Department of Prohibition, Excise and Registration, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The District Magistrate, Gopalganj.
5. The Superintendent of Police, Gopalganj.
6. The Officer-in-charge, Kuchaikote, Police Station- District- Gopalganj.

... .. Respondent/s

Appearance :

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

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: -

“(i) For issuance of writ/writs, direction/directions and order/orders for directing the respondents authorities to release the Bus vehicle bearing registration no. UP17AT-6231, Engine No. HAHZ423146, Chechis No. MB1PREHD8HAYG8900, which is seized in connection with Kuchaikote P.S.



Case No. 362/2021 registered for offence punishable u/s 30(a) of the Bihar Prohibition & Excise Act.

(ii) For issuance of any other appropriate relief(s) for which petitioner is fact entitled in the fond and circumstances of the case.”

Petitioner claims to be the owner of the seized transport bus which was searched and allegedly 9.6 litres of foreign liquor was recovered and the driver and conductor were apprehended. Petitioner being owner was not aware that said illicit liquor was being carried in the bus as he resides in Delhi in connection with his business and is in no way involved in said transaction. It is further submitted that confiscation proceeding has not been initiated as yet.

In the facts and circumstances of the case, concerned District Magistrate/Confiscating Authority is directed to provisionally release the vehicle of petitioner mentioned above 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	03.01.2022
Transmission Date	

