

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1443 of 2022

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Aditya Kumar, S/o Narayan Singh, R/o Harmu, Vidhya Nagar, P.S. - Doranda
H.O. District Ranchi (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner Excise Department, State of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Collector Cum District Magistrate, Kaimur at Bhabua.
4. The Superintendent of Police, Kaimur at Bhabua
5. The Station Head Officer, Kudra Police Station, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, 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 MR. JUSTICE S. KUMAR)

Date : 02-03-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“ 1. That the present writ application is being filed for issuance of writ in the nature of certiorari or any appropriate writ, order or direction to direct the respondent authorities to release the seized Duster car of Renault Company, bearing registration no. JH10BN 5219, chassis no. MEEHSRCFFJ5004523, Engine No. K9KR856E027499, in favour of owner/petitioner, which has been seized in connection with Kudra P.S. Case No. 348 of 2021, for the offence alleged under section

30(a), 37(i), 37(ii) of the Bihar Prohibition and Excise Act, pending for trial in the Court of Special Judge Excise, Kaimur at Bhabua.”

Allegation is of recovery of 180 ml. illicit liquor from a car wherein three persons were sitting.

Petitioner claims to be the owner of the seized car and said car was not being driven by the petitioner rather the same was being driven by one Akash Verma who was relative of the petitioner, had taken his car to go to Varanasi for treatment in BHU, Varanasi but in the way, vehicle was seized by the police.

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)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	