

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20956 of 2021**

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Divyanshu Singh @ Divyanshu Kumar Singh Son of Shri Kundan Singh,  
Resident of Flat No. 406, Ram Balabh Kunj Apartment, CDA Colony,  
Rajbanshi Nagar, P.S. - Shastri Nagar, District - Patna- 800023.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Prohibition  
Excise and Registration Department, Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Officer-in-Charge, Barachatti Police Station, Gaya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Prachi Pallavi, Advocate  
For the Respondent/s : Mr.Kumar Manish (S.C.5)

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE S. KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE S. KUMAR)**

(The proceedings of the Court are being conducted through Video Conferencing and the  
Advocates joined the proceedings through Video Conferencing from their residence. )

**Date : 07-02-2022**

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“(i) Issuance of a writ of mandamus, directing the  
respondents to forthwith release the Scorpio vehicle  
of the petitioner bearing registration no.  
UP14ED7000, which has been seized in connection  
with Barachatti P.S. Case No. 702/21 dated  
12.11.2021 for alleged recovery of 750 ml (1  
bottle) Indian Made Foreign Liquor from the  
Scorpio vehicle;

Allegation is recovery of 750 ml. Indian made foreign  
liquor from the vehicle of petitioner. It is submitted on behalf of  
petitioner that he is the owner of the seized vehicle and while he

had gone Jharkhand with his friends, some altercation took place between them, which resulted brawl, due to which one of them was caused injury then petitioner left the hotel at Hazaribagh with his friends and drove the Scorpio vehicle to bring him back to his hometown, in the meantime, they were caught by the police and falsely implicated them of carrying liquor in their vehicle, which was planted by the police, for which petitioner cannot be held responsible.

It is submitted by the learned counsel for the petitioner that confiscation proceeding has already been initiated against seized vehicle bearing confiscation case no. 88 of 2022 pending in the court of District Magistrate-cum-Collector, Gaya.

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)**

Rajiv/veena-

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