

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21153 of 2021

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Vishal Kumar Son of Shri Ashok Rai Resident of Village- Nakata Diyara,
P.S.- Digha, Post- Digha Dinapur cum Khagaul, District- Patna- 800011.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Prohibition
Excise and Registration Department, Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Superintendent of Excise, Nawada.
4. The Assistant Sub Inspector of Excise, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prachi Pallavi, Advocate
For the Respondent/s : Mr.Vikash Kumar (SC11)

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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 by Hon'ble
the Chief Justice/ Hon'ble Judges through Video Conferencing
from their residential offices/residences. Also, the Advocates
and the Staffs joined the proceedings through Video
Conferencing from their residences/offices.)

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 white
Maruti Dzire VXi vehicle of the petitioner
bearing registration no. BR01EX4942, which
has been seized in connection with G.O. Case
No. 584/21 dated 16.10.2021 for alleged
recovery of 750 ml, Indian Made Foreign
Liquor and 650 ml. beer from the said vehicle;
(ii) To pass such other writ(s), direction(s) as
your Lordships may deem fit and proper in the

facts and circumstances of the case.”

Allegation is recovery of 750 ml. Indian made foreign liquor and 650 ml. of beer from the dickey of white vehicle of petitioner.

It is submitted on behalf of petitioner that he is the owner of the seized vehicle and his vehicle was seized while he and his friend was returning from Jharkhand, in the meantime, some altercation took place with the officials, for this reason, 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. 419(E) of 2021 pending in the court of District Magistrate-cum-Collector, Nawadah.

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-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	