

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16045 of 2023

Vakil Ray Son of Late Haribansh Ray, Resident of Village - C/o Damodar Sahu, Khamariapara Town, Sundargarh - 770001 (Odisha) at present Resident of Village - Tetarpur, Police Station - Mohiuddin Nagar, District - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Secretary, Law Department, Bihar, Old Secretariat, Patna.
3. The District Magistrate, Banka.
4. The Sub Divisional Officer, Sub Divisional Office, Banka.
5. The Superintendent of Police, Banka.
6. The Officer-in-Charge, Police Station - Amarpur, District - Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ajeet Kumar Bhardwaj
For the Respondent/s : Mr. Md. Raisul Haque (Sc 10)

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 13-10-2025 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the following reliefs:-

“1. That, this is an application is for issuance of an appropriate writ, order/orders, direction/directions towards release of the seized Truck bearing Registration No. OD-16B-1152 namely Vakil Roy Son of Late Haribansh Ray, Resident of Village C/o Damodar Sahu, Khamariapara Town, Sundargarh-770001, (Odisha) at present Resident of Village- Tetarpur, Police Station- Mohiuddin Nagar, District- Samastipur (Bihar).”

3. Learned counsel appearing on behalf of the



petitioner has stated that under similar circumstances, this Court in CWJC No. 697 of 2022 dated 07.07.2022 and CWJC No. 7145 of 2023 dated 22.06.2023 has directed the concerned District Magistrate to release the vehicle that was seized from the petitioner therein. Learned counsel for the petitioner has stated that the petitioner is similarly situated and that the petitioner is ready to furnish adequate security/surety for the purpose of release of vehicle as per the direction of the District Magistrate, Banka. Further, it is submitted that the confiscation proceedings are in the nature of civil proceedings and it is ultimately the sale proceeds of the confiscated property that will go into the account of the State and the petitioner is ready and willing to provide adequate securities/sureties. Therefore, the District Magistrate, Banka may be directed to release the vehicle in favor of the petitioner, subject to any other condition that may be imposed.

4. Learned counsel appearing on behalf of the respondents has stated that as the petitioner is ready to provide adequate securities/sureties and to abide by the reasonable terms and conditions that may be imposed by the District Magistrate, Banka, he has no objection if this Hon'ble Court directs the District Magistrate, Banka to release the vehicle in favor of the



petitioner subject to the petitioner providing adequate securities/sureties to the extent of the value of the vehicle and also subject to the petitioner abiding by other terms and conditions that may be imposed by the District Magistrate, Banka.

5. Having regard to the above facts and circumstances of the case and also the judgments of this Hon'ble Court referred above, this Court directs the District Magistrate, Banka, to release the vehicle seized from the petitioner in connection with Amarpur P.S. Case No. 471 of 2022, which are subject matter of the present writ petition, subject to the condition that the petitioner shall make available adequate and sufficient securities/sureties (not in cash or bank guarantee) to the satisfaction of the District Magistrate, Banka, to the extent of the value of the vehicle which may be assessed and that the petitioner undertakes to abide by any other condition that may be imposed for the purpose of future proceedings by the District Magistrate, Banka.

6. Learned counsel for the petitioner undertakes on instruction from the petitioner that if the vehicle is released in his favor, in course of trial he will not raise any question with respect to the seizure of the vehicle and no identification issue



shall be raised in course of trial. Further, he will not claim any benefit out of this order in the pending proceedings and pursuant to the release of the vehicle in his favor.

7. Let the District Magistrate, Banka, pass an appropriate order after valuation of the vehicle and other conditions to which the petitioner would be required to abide by. Such orders be passed within two weeks from the date of receipt/communication of this order.

8. With the above directions, the present Writ Petition is allowed to the extent indicated.

(A. Abhishek Reddy, J)

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