
(2020) 12 PAT CK 0322

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 8976 Of 2020

Arun Yadav

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision: Dec. 8, 2020

Acts Referred:

- Bihar Prohibition And Excise (Amendment) Act, 2018 - Section 30(a)

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Mrigendra Kumar, Kumar Manish

Final Decision: Disposed Of

Judgement

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video

Conferencing from their residence.

Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has prayed for following relief:-

1. “For issuance of an order/orders, writ/writs, direction/directions commanding the respondents authority to release the Bajaj CD-110 Motorcycle

bearing Registration No. BR-38U6738, Chassis No. MD2B37AYOKRE64575 and Engine No. PFYRKE4317 belonging to the petitioner which has

been seized by the police in connection with Special Case No. 388/2020 arising out of Palasi P.S. Case No. 119/2020 dated 17.04.2020 instituted for

the alleged offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act 2018, pending in the court of learned A.D.J.-II- cum-

Special Judge, Excise, Araria.

It has been submitted on behalf of counsel for the State that confiscation proceeding has been initiated against the seized vehicle being Confiscation

Case No. 489 of 2020 before the Confiscating authority, Araria and next date of this case is fixed as 31.12.2020.

The writ petition is disposed of with a direction to District Magistrate-cum-Confiscating authority, Araria to decide the confiscation case within 90

days from the date of filing of show cause, if no show cause has been filed or within 90 days from the date of receipt/production of a copy of this

order, if show cause has been already filed, failing which the vehicle shall be provisionally released till conclusion of confiscating proceeding on

production of ownership and registration documents 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.

With said direction and observations, this writ petition is disposed of.