

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2475 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- MUZAFFARPUR

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1. Sanjeev Kumar Ray Son of Late Jagdish Chandra Ray Resident of Flat No. 52 I.T.C. Ghat, Ganga Tower Kiran Ghat Phulwari, P.S. Phulwari Sharif, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Collector/District Magistrate, Muzaffarpur, District - Muzaffarpur.
3. The Excise Deputy Commissioner, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Superintendent of Excise, Muzaffarpur.
6. The Police Inspector cum S.H.O. Saraiya Police Station, District - Muzaffarpur.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

2. The petitioner is proprietor of Unique India Transport Service vide Annexure-2. A truck hired by the petitioner bearing registration No. HR-68/8328 was carrying medicines of different consigners of Haryana addressed to different consignees in the State of Bihar vide Annexure-4 series. The said truck was seized by the police in connection with Saraiya P.S. Case No.385 of 2017 as a commercial quantity of liquor besides the consignment of medicine was found loaded thereon.

3. Submission of the learned counsel for the petitioner is



that the loading of the liquor might be the result of the mischief committed by the driver of the said truck. The petitioner is neither the driver nor the owner of the said truck; rather have hired only for business purpose of his transport agency.

4. By order dated 07.11.2017 learned Special Judge, Excise Act, Muzaffarpur, passed in Saraiya P.S. Case No.385 of 2017 has refused to release the medicines in favour of the petitioner.

5. Since the medicines are not items of offence alleged in the F.I.R., let the same be released in favour of the petitioner on execution of surety bond of Rs.15,00,000/-(Fifteen lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount to the satisfaction of the learned Court-below/authority concerned, where the case is pending, with condition that the petitioner would file undertaking that if in future occasion so arises the petitioner will be ready to reimburse with the value of the medicines.

6. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
Transmission Date	08.12.2017

