

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.205 of 2018

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Jitendra Kumar Sahni, Son of Dinesh Prasad Sahni, Resident of Village-
Rasulpur Salim, P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of
Excise, Government of Bihar, Patna.
2. District Magistrate, Muzaffarpur.
3. Superintendent of Excise, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Malay Kumar Choudhary
For the Respondent/s : Mr. Anil Kumar Sinha (GA 1)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**
ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Swift
Desire Car bearing Reg.No.BR-06AT-4265, Chassis
No.MA3FJEB1S00768789, Engine No. DI3A2624189, which has
been seized by the police in connection with Minapur P.S. Case
No.401 of 2017, District-Muzaffarpur for the offence under
Section 279 of the I.P.C. and Sections 37(a), 37(b) and 48 of the
Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that no
illicit liquor has been recovered from the vehicle in question.
Learned counsel further submits that the petitioner is ready and



willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the vehicle in question.

In the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be provisionally released on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

- (i) Petitioner shall furnish surety bond of Rs.5,00,000/- (five lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the authority concerned.
- (ii) The petitioner shall also give an undertaking that he will not deal with the vehicle in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State, he will not use the vehicle for any illegal purpose and as and when required, he will produce the vehicle in question before the competent court/authority.



(iii) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and panchnama of the vehicle in question shall also be prepared and keep the same on record which may be used as secondary evidence.

(iv) Petitioner undertakes not to challenge the said photograph and panchnama so prepared in his presence at the time of release of vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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