

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1341 of 2018

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

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Shiva Nath Rai @ Shivrath Kumar, S/o Rajendra Rai, R/v- Uran Tola, Chitkohra,
P.S.- Gardanibagh, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department of Bihar, Patna.
2. The District Magistrate cum Collector, Patna.
3. The Senior Superintendent of Police, Patna.
4. The City Superintendent of Police, West Patna.
5. The Station House Officer, Beur Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 03-07-2018

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

Petitioner has prayed for release of the vehicle (Tata
Naino Car) bearing registration no. BR01PF- 3689 in favour of the
petitioner in connection with Beur P.S. Case No.105 of 2017 for the
offences under Sections 272, 414 of the Indian Penal Code and 30(a)
of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that a notice
for initiating confiscation proceeding has been issued to the petitioner
by the Collector-cum-District Magistrate, Patna.

Learned counsel for the petitioner 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 finalization of the confiscation proceeding, let the vehicle, if belongs to the petitioner, be released provisionally within a week on production of proof of ownership and registration of the vehicle in his favour, if the vehicle has not been auction sold, subject to the following conditions:-

(i) Petitioner shall furnish a surety bond in form of Bank guarantee or the original title deed of an immovable property lying within the jurisdiction of the court or any other security of like nature to the satisfaction of the learned Court below or the Collector cum District Magistrate, Patna as the case may be.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the State and shall produce the vehicle before the court below and/or the Collector-cum-District Magistrate, Patna, as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared, certified and be kept on record in accordance with law.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06-07-2018
Transmission Date	06-07-2018

