

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.865 of 2018

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Sanjay Kumar Diwakar, Son of Ram Sagar Prasad, Resident of Village-Keshopur, P.S.- Sakra, Dist- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar, Through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The Superintendent of Police, Vaishali.
4. The Station House Officer, Police Station, Patepur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand

For the Respondent/s : Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Pick Up Van bearing Reg. No.BR-06G-6148, which has been seized by the police in connection with Patepur P.S. Case No.100 of 2017, District-Vaishali for the offence under Sections 30(a), 32(ii), 38(ii), 41(i), 47 of the Bihar Prohibition and Excise Act, 2016. It is alleged that 140 liters of foreign liquor have been recovered from the vehicle in question.

Learned counsel for the petitioner 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.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be released provisionally within one week from the date of production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

- (i) Petitioner shall furnish a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the authority concerned or any other security of like nature valued at Rs. 4,00,000/- (four lakhs) to the satisfaction of the District Magistrate, Vaishali/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 shall undertake 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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