

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1475 of 2018

Arising out of Giriyak P.S. Case No.130 of 2018, District-Nalanda

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Santosh Prasad, S/o Kedar Sundi, R/o Ward No. 7, Bagdo, Post- Bagdo,
P.S.- Koderma, District - Koderma, Jharkhand.

.... Petitioner/s

Versus

1. The State of Bihar, Through the Principal Secretary, Bihar, Prohibition And Excise Department, Government of Bihar, Patna.
2. The Collector, Nalanda at Biharsharif.
3. The Superintendent of Police, Nalanda at Biharsharif.
4. The Superintendent of Excise, Nalanda at Biharsharif.
5. The Officer In Charge , Giriyak P.S., District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Adv.
For the Respondent/s : Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-06-2018 Learned counsel for the petitioner submits that the truck in question has been seized in connection with recovery of two bottles of officer choice green whisky containing 750 ml each. Vehicle is lying under open sky for about one and half month and presently no confiscation proceeding has been initiated. Learned counsel submits that the truck was loaded with stone-chips with legal and valid documents in respect thereof. However, it has been seized in connection with a case registered under the provisions of the Bihar Prohibition and Excise Act, 2016.

In the given facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the



vehicle (truck) of the petitioner bearing Reg.No.JH-02J-3105, Engine No.70E62570061, Chassis No.426031ESZ213926, which has been seized in connection with Giriyak P.S. Case No.130 of 2018, loaded with stone-chips be released provisionally in favour of the petitioner on his showing document of ownership of the vehicle and other legal and valid documents with regard to the stone-chips within a period of one week, subject to the following conditions:-

- (i) Petitioner shall furnish surety bond of Rs.10,00,000/- (ten lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Nalanda at Biharsharif/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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