

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1551 of 2018

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Manoj Sah @ Manoj Kumar Sah son of Late Shyam Lal Sah resident of village - Majhauri @ Bajitpur Majhauri @ Vajitpur, P.S. Bochaha, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Collector/District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The Excise Superintendent, Muzaffarpur.
5. The Excise Inspector, Muzaffarpur.
6. The Officer-Incharge, Bochahan P.S. Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Adv.

For the Respondent/s : Mr. Vikash Kumar (Sc-11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 25-07-2018 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-06GB-1568, which has been seized by the police in connection with Bochahan P.S. Case No. 124 of 2018, District- Muzaffarpur for the offence under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), 32(ii) and 38(ii) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 950 liters of illicit 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.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit liquor being 950 liters, this Court would direct release of the vehicle in question on furnishing two sureties along with a bank guarantee for the value of the vehicle in question as indicated in the insurance document. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Muzaffarpur that during the pendency of the confiscation proceeding he would not deal with the vehicle in question and shall not create any kind of encumbrance whatsoever and no third party right or interest shall be created. He would also undertake to produce the vehicle in question as and when required by the authority concerned.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha/Ved

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