

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1953 of 2018

Arising Out of PS. Case No.-85 Year-2017 Thana- KALYANPUR District- Samastipur

Ram Shreshth Rai @ Ram Shreshth Diwakar @ Ram Sherasth Diwakar, Son of Late Muneshwar Ray @ Muneshwar Ray, Resident of Village – Kalyanpur, Police Station – Kalyanpur, District – Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary Registration, Excise Prohibition Department, Government Of Bihar, Patna
2. The Collector/District Magistrate, Samastipur
3. The Excise Deputy Commissioner, Darbhanga
4. The Superintendent of Police, Samastipur
5. The Superintendent of Excise, Samastipur
6. The officer-in-charge cum SHO Kalyanpur, Police Station under District Samastipur
7. The Investigation Officer, S.I. Kalyanpur Police Station under District Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar
For the Respondent/s : Mr. Vivek Prasad(Gp-7)

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-08-2018 The petitioner seeks release of his motorcycle bearing Registration No. BR33T-4410, Engine No. HA10ERHHA20923, Chassis No. MBLHA10CGHHA18488 which was seized in connection with Kalyanpur P.S. Case No. 85 of 2017 dated 04.06.2017 instituted for the offences under Section 414 of the Indian Penal Code and 48/52 of the Bihar Excise Amendment Act, 2016.

It has been submitted on behalf of the petitioner that he is ready and willing to abide by the terms and conditions which may be imposed by this Court for the 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) The petitioner shall furnish 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. 50,000/- (Rupees Fifty Thousand) to the satisfaction of the District Magistrate, Samastipur/ 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) The petitioner shall undertake not to challenge the said photograph and panchnama so prepared in his presence at the time of release of the vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

This order shall, however, be subject to the result of Cr. W.J.C. No. 2446 of 2017 (Rahul Kumar @ Rahul Vs. The State of Bihar & Ors.).

The application is accordingly allowed.

(Ashutosh Kumar, J)

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