

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2183 of 2018

Arising Out of PS. Case No.-75 Year-2018 Thana- GAIGHAT District- Muzaffarpur

=====

Bittu Bhandari @ Bitu Bhandari S/o Sita Ram Bhandari, resident of Village- Shivdhaha, P.S. Baruraj, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Government of Bihar, Excise Department, Patna
2. Collector, Muzaffarpur
3. Senior Superintendent of Police, Muzaffarpur
4. Excise Superintendent, Muzaffarpur
5. Officer-in- charge, Gayghat Police Station, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.
For the Respondent/s : Mr. Vikash Kumar

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-11-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for provisional release of the vehicle (Glamour Motorcycle) bearing registration no. BR06BE- 9358, Chasis No. MBJLAR028HGD42776, Engine No. JA06ERHGD54191, which has been seized by police in connection with Gayghat P. S. Case No. 75 of 2018 for the offence under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per allegations made in the Police case, he along with the co-



accused was arrested while carrying two bottles of 180 ml. i.e. total 360 ml. Indian Made Foreign Liquor in the dickey of the motorcycle.

Learned counsel for the petitioner submits that no confiscation proceeding has been initiated as regards the vehicle in question.

Learned counsel for the State is present.

Considering the facts and circumstance of the case wherein it appears that no confiscation proceeding has been initiated with respect to the vehicle in question and the petitioner has no other alternative remedy except to move this Court under Article 226 of the Constitution of India, in view of the views expressed by the Hon'ble Division Bench of this Court, this Court would direct provisional release of the vehicle in question on furnishing two sureties for the value of the vehicle in question as indicated in the insurance document to the satisfaction of the court below and shall furnish an undertaking to the effect that he will not deal with the vehicle in question in any manner whatsoever during pendency of the case and shall produce the vehicle as and when required before the court/authority concerned.

On the petitioner filing a copy of the document of the



registration and ownership of the vehicle in his favour and upon his furnishing the aforesaid terms and conditions, the vehicle in question shall be released within a week from the date of the filing of the surety bond.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

avin/-

U		T	
---	--	---	--

