

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2248 of 2018

Arising out of Complaint Case No. C-2/284 of 2017, District Sitamarhi

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Lal Babu Sahani @ Lalbabu Sahni, Son of Late Tunna Sahani @ Tuna Shahni, Resident of Village- Sursand, Ward No.7, Police Station- Sursand, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Sitamarhi.
4. The Superintendent of Excise, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Respondent/s : Mr. Kumar Manish

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner is seeking provisional release of the vehicle Hero Glamour Motorcycle bearing Reg.No.BR30N-4495, Chassis No.MBLJAO6AMGGG34552, Engine No.JAO6EJGGG43600, which has been seized in connection with Complaint Case No.C-2/284 of 2017, registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act for



recovery of 4.5 liters illicit liquor 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.

Learned counsel for the petitioner submits that no confiscation proceeding has been initiated.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit liquor being less than 30 liters, this Court would direct release of the vehicle in question on petitioner furnishing two sureties for the value of the vehicle in question as indicated in the insurance document to the satisfaction of the court below. Apart from the above, the petitioner shall be obliged to submit an undertaking before the learned court below 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.

Let the vehicle be released within a week after submission of the two sureties as indicated above.



This application stands disposed off.

(Rajeev Ranjan Prasad, J)

Arvind/Ved/-

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