

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.730 of 2018

=====

Phul Kumari Devi, wife of Dhrub Ray, Resident of Village- Lauwan, Police Station- Isuapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Excise Commissioner, Government of Bihar, Patna.
2. The District Magistrate-cum- The Collector, Saran.
3. The Superintendent of Police, Saran.
4. The Officer Incharge-cum- Sub Inspector of Police, Masarakh, Saran.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary

For the Respondent/s : Mr. Vikash Kumar

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 19-03-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Bolero Pick-up Van bearing Reg. No. BR04GA-1046, Chassis NO.MA1Z N2 GHKH1A 13493 and Engine No.GHGIM 64310, which has been seized by the police in connection with Masarakh P.S. Case No.102 of 2017, District-Saran for the offence under Sections 272, 273 I.P.C. and Section 30(A), 38 and 41 of the Bihar Prohibition and Excise Act, 2016. It is alleged that 2200 liters of country made 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.

Considering the facts and circumstances, pending initiation or finalization of confiscation proceeding, let the vehicle of the petitioner be released provisionally, if not already auction sold, 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) Petitioner shall furnish a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the court below/authority concerned or any other security of like nature valued at Rs. 4,00,000/- (four lakhs)) to the satisfaction of District Magistrate, Saran at Chapra/authority concerned.

(ii) The petitioner shall also give an undertaking that she 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, she will not use the vehicle for any illegal purpose and as and when required,



she 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 undertakes not to challenge the said photograph and panchnama so prepared in her 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)

Arvind/-

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

