

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.930 of 2018

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Arjun Kumar @ Arjun Das, Son of Madho Das, Resident of Village-Sarahi,
ard No.05, P.S. Sadar, District-Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Excise Department,
Govt. of Bihar, Patna & Ors
2. The Director General General of Police, Bihar, Patna.
3. The Inspector General of Police Saharsa.
4. The Deputy Inspector General of Police, Saharsa.
5. The District Magistrate, Saharsa.
6. The Superintendent of Police, Saharsa.
7. The Deputy Superintendent of Police, Saharsa Sadar.
8. The Starion House Officer, Sadar, P.S.-Saharsa District-Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Hero
Honda Plus Motorcycle bearing Reg. No. BR-19C-2575, Mobile
Phone of Samsung Company bearing IMEI
No.356563/06/688258/4 ATM Card No.428320182201 of IDBI
Bank and cash of Rs.9,810/-, which have been seized by the police
in connection with Saharsa P.S. Case No.548/2017, District-
Saharsa for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. It is alleged that 555 ml of



foreign liquor has 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/mobile/cash in question.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle/mobile/cash 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) Petitioner shall furnish surety bond (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Saharsa/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) Petitioner shall undertake not to challenge the said photograph and panchnama so prepared in his 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 currency notes of Rs.9,810/-, may be released in favour of the petitioner on his furnishing two sureties bonds to the extent of the value of the amount to the satisfaction of the District Magistrate, Saharsa. Before release of the currency notes, a list containing the denomination of the notes shall be prepared which will be certified in presence of the petitioner and shall be kept on record of the case which will be used as secondary evidence, if so required. Learned counsel submits that the petitioner will not question the secondary evidence in course of trial of the case.



The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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