

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.513 of 2018

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Durganand Chaudhari, S/o Prhalad Chaudhary, Resident of Village- Sirsi,
P.S.- Nanpur, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar Through Its Principal Secretary, Excise Department,
Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Officer in Charge, Madhawapur, Police Station, Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 26-02-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner has prayed for release of the
vehicle (CD Delux Hero Company P.B.K. Motorcycle)
bearing registration no. BR-06Z0539 in favour of the
petitioner in connection with Madhawapur P.S. Case No.
113 of 2017 for the offences under Sections 272, 273 and
Section 30(a) of Bihar Prohibition and Excise Act, 2016. It
is alleged that 0.930 Litres of Nepali wine was 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.

In the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle, if belongs to the petitioner, be released provisionally on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond of Rs. 60,000/- (Sixty Thousand only) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of the learned Court below or the Collector cum District Magistrate, Madhubani, as the case may be.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the State and shall produce the vehicle before the court below and/or the Collector-cum-District Magistrate, Madhubani, as and when directed.

(iii) A photograph of the vehicle shall be



taken and panchnama be also prepared,
certified and be kept on record in accordance
with law.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

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