

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.472 of 2018

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Sachida Nand Mishra @ Sachita Nand Mishra, Son of Late Dharam Deo Mishra, Resident of Village-Pandit Dighawa, Police Station-Bhorey, District-Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Siwan.
4. The Superintendent of Police, Siwan.
5. The Officer-in-Charge (S.H.O.), Nauthan Police Station, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh
For the Respondent/s : Mr. Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Mahindra & Mahindra Bolero Vechile bearing Reg.No.MH05/G 2824, which has been seized by the police in connection with Nautan P.S. Case No.195 of 2017, District-Siwan for the offence under Section 37(b) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that no illicit liquor has been recovered from the vehicle in question. He further 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 of the petitioner be provisionally released within one week from the date of production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs.6,00,000/- (six lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the 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 undertakes 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 application stands disposed of.

(Rajeev Ranjan Prasad, J)

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