

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.718 of 2018

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Ranjan Kumar Paswan, son of Chanarik Paswan, Resident of Village-
Marauatpur, P.O.-Mahanar, P.S.-Deshari, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Registration,
Excise And Prohibition Department, Government of Bihar, Patna.
2. The Collector/District Magistrate-Vaishali at Hajipur.
3. The Senior Superintendent of Police, Vaishali at Hajipur.
4. The Excise Superintendent, Vaishali at Hajipur.
5. The Office In Charge, P.S.-Deshari, District-Vaishali at Hajipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

For the Respondent/s : Mr. Anil Kumar Sinha (GA1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 16-03-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Hero
Glamour Motorcycle bearing Reg.No.BHR1BV8070, Chassis
No.MBLJAR018H9J36494, Engine No.JA06EHH9J14499 which
has been seized by the police in connection with Deshari
(Chandpura O.P.) P.S. Case No.264 of 2017, District-Vaishali for
the offence under Sections 30(a), 34(a) (b), 36 and 38(1) of the
Bihar Prohibition and Excise Act, 2016. It is alleged that 29
pouches 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.

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.60,000/- (sixty thousand) (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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