

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.607 of 2018

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Gauri Kumar, Son of Deo Narayan Mahto @ Bhola Mahto, Resident of
Village- Punaura Ward No- 10, P.S.- Sitamarhi, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Collector/ District Magistrate, Sitamarhi.
3. The Senior Superintendent of Police, Sitamarhi.
4. The Excise Superintendent, Sitamarhi.
5. The Office In Charge, P.S. Bathanaha, District- Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Respondent/s : Mr. Vivek Prasad(Gp-7)

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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 (Tata Sumo Taxi) bearing registration no. BR-30P-
4070 in favour of the petitioner in connection with
Bathanaha P.S. Case No. 346/2017 for the offences under
Sections 272, 273/34 and Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

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. 5,00,000/- (Five Lakhs only) in form of Bank guarantee or the original title deed of an immovable property lying within the jurisdiction of the court or any other security of like nature to the satisfaction of the learned Court below or the Collector cum District Magistrate, Sitamarhi, 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, Sitamarhi, 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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