

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.855 of 2018

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Sachin Shokeen, S/o Jai Bhagwan, Resident of Mohalla Rz. 23, Mangolpur
Khurd North West Delhi, P.S. Mangolpur District- Delhi.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Excise, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Tirhut Range Muzaffarpur.
4. The Collector cum-District Magistrate, Sitamarhi.
5. The Superintendent of Police, Sitamarhi.
6. The Circle Officer, Cum-Executive Magistrate, Sitamarhi.
7. The Station Head Officer, Dumra at Sitamarhi.
8. The I.O. cum-Sub Inspector of Police, Dumra at Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur
For the Respondent/s : Mr. Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-03-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Bus bearing Reg.No.UP 17 AT/2368, which has been seized by the police in connection with Dumra P.S. Case No.63 of 2018, District-Sitamarhi for the offence under Sections 272, 273, 290 I.P.C. and Sections 30(A), 37(b) (C) of the Bihar Prohibition and Excise Act, 2016. It is alleged that one bottle of foreign liquor containing 375 ml 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 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.15,00,000/- (fifteen lakhs) (not in form of bank guarantee or cash) with two local sureties who reside within the jurisdiction of the authority concerned to the satisfaction of 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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