

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.247 of 2018

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Panchu Das @ Panchu Ravidas S/o Mangal Ravidas R/o-Mohallah-
F.C.I.Chowk, Mofarganj, P.S.-Katihar Town, Distt.-Katihar

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary Excise
Department, Patna, Bihar
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. The S.H.O. Katihar Town, Police Station, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Respondent/s : Mr. A.K. Sinha (GA-1)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 30-03-2018 This writ application has been filed for release of the vehicle (Truck) bearing Registration No.BR-1G-9554, which has been seized in connection with Katihar Town P.S. Case No.773 of 2017 registered under Sections 279, 337, 338, 325 of the Indian Penal code read with Section 37(b) of the Bihar Prohibition and Excise Act, 1916.

Learned counsel for the petitioner submits that no illicit liquor has been recovered from the vehicle. However, there are allegations that the driver was in a drunken condition and had committed accident by pushing down a bicycle. The Truck is lying under open sky for about six months and over the period it will lose its worth and will be of no use.

Learned counsel representing the State submits that



the vehicle in question is involved in connection with the police case, which has been registered at the instance of the informant, who was injured in the accident.

Considering the facts and circumstances, there shall be a provisional release of the vehicle in question on the submission of the documents, ownership and registration of vehicle in his name and on furnishing two surety bonds to the satisfaction of the court below. The vehicle in question shall be released within a period of one week from the date of submission of the surety bonds to the satisfaction of the learned court below subject to the undertaking of the petitioner that he will not alienate or create any third party right in respect of the vehicle in question during the pendency of the case and shall produce the same as and when required. Prior to the release of the vehicle, a photograph of the vehicle shall be taken and panchnama shall be prepared in presence of the petitioner at the time of release of vehicle in question for use as secondary evidence in course of trial which the petitioner undertakes not to challenge.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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