

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1141 of 2018

=====

Umesh Kumar Singh S/o Late Govind Singh, R/o Mashihani, P.S.-
Chhatarpur, District- Palamu (Jharkhad).

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Registration And Excise, Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Station House Officer, Amba P.S., District- Aurangabad.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey

For the Respondent/s : Mr. Kumar Manish (SC 5)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Piaggio
Tempo bearing Reg. No.JH-03K-3030, which has been seized by
the police in connection with Amba P.S. Case No.33 of 2016,
District-Aurangabad for the offence under Sections 272, 273 of
the I.P.C. and Section 47 of the Bihar Prohibition and Excise Act,
2016. It is alleged that 30 liters of country made liquor have been
recovered from the vehicle in question.

Learned counsel for the petitioner submits that the
vehicle is three years old and during its seizure lying in the
premises of the concerned police station it has got damaged



substantially.

In this view of the matter, the District Magistrate, Aurangabad, shall get assessed the worth of the vehicle in question within 15 days for which the surety bond is to be provided by the petitioner.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be released provisionally on production of proof of ownership and registration of the vehicle in favour of the petitioner within three weeks subject to the following conditions:-

(i) Petitioner shall furnish a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the authority concerned or any other security of like nature to the satisfaction of the District Magistrate, Aurangabad/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 shall undertake 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)

Arvind/-

U		T	
---	--	---	--

