

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.726 of 2018

=====

Ajay Kumar Das S/o Kanta Das, R/o Village- Bandi Maniyara Nimchak,
P.S.- Nimchak Bathani, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Excise Department.
2. The Officer Incharge of Khudaganj P.S., District- Nalanda.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Hero
Honda Motorcycle bearing Reg.No.BR-02Z-0190, Engine
No.HA10EREHL3116 and Chassis No.MBLHA10BFEHL88064,
which has been seized by the police in connection with Khudaganj
P.S. Case No.109 of 2017, District-Nalanda for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016. It is
alleged that three liters 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)

Arvind/-

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

