

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.416 of 2018

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Rahul Gautam @ Rahul Singh S/o Krishnandan Singh, R/o Village-
Harnahi, P.S.- Baruraj, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department of Bihar.
2. The District Magistrate Muzaffarpur.
3. The Superintendent of Police Muzaffarpur.
4. The S.H.O. Kanti P.S., P.S.- Kanti, District- Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. **04-04-2018** Let the defect pointed out by the Stamp Reporter
be ignored.

Petitioner has moved this court for a direction to the respondent to release the vehicle bearing Registration No. BR-06BD-1923 in favour of the petitioner which has been seized in connection with Kanti P.S. Case No. 445/2017 for the offences under Sections 356, 379, 341, 323/34 of the Indian Penal Code and Section 37(a)(b)(c) of Bihar Prohibition and Excise Act, 2016.

It is submitted that the vehicle in question has been seized even though no illicit liquor was found in the vehicle. The allegation is that the owner was driving the vehicle in drunken condition.



Learned counsel for the State is present.

In the facts and circumstances placed before this court considering that *prima facie* in terms of Section 56 of the Bihar Prohibition and Excise Act, 2016 only the vehicles carrying illicit liquor are liable to be confiscated and as informed to this court that no confiscation proceeding has been initiated in this matter, let the vehicle, if belongs to the petitioner, be released provisionally within a week 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. 60,000/- (Sixty Thousand only) with two sureties of the like amount each to the satisfaction of learned Court below or the Collector-cum-District Magistrate, Muzaffarpur, 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, Muzaffarpur, 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/-

(Rajeev Ranjan Prasad, J.)

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