

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.728 of 2018

Arising Out of P.S. Case No. 160 Year- 2017 Thana –Kuchaikote, District- GOPALGANJ

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Rameshwar Singh S/o Baijnath @ Baidyanath Singh, R/o Gulaura, P.S.- Gopalpur,
District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar, Through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Officer In Charge (S.H.O.), Kuchaikote P.S., Gopalganj.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. (Advocate)

For the Respondent/s : Mr. (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 11-04-2018

Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Passion Pro Motorcycle, bearing Reg. No. BR-28R-8522, which has been seized by the police in connection with Kuchaikote P.S. Case No. 160 of 2017, District Gopalganj, for the offence under Sections 272, 273, 420 of the Indian Penal Code and Sections 30(a)(b)(c) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 9 liters of country-made liquor have been recovered from the vehicle in question.

Learned counsel for the petitioner submits that till date no confiscation proceeding has been initiated and 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.



Considering the facts and circumstances, pending finalization of the confiscation proceeding which is likely to be initiated, let the vehicle in question be released provisionally in favour of the petitioner within one week from the date of production of proof of ownership and registration of the vehicle in favour of the petitioner, subject to the following conditions:-

(i) The petitioner shall furnish two sureties (not in form of cash or Bank Guarantee), valued at Rs. 60,000/- (Sixty thousand), to the satisfaction of the District Magistrate, Gopalganj

(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 the same be kept on record which may be used as a secondary evidence.

(iv) The Petitioner undertakes not to challenge the 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)

Dilip, AR

AFR/NAFR	NAFR
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