

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.369 of 2018**

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Bibhishan Yadav, S/o Late Gagdish Yadav, R/o Village- Arariya, P.S.-  
Parbatta, District- Khagaria.

.... .... Petitioner/s

Versus

1. The State of Bihar Through The Home Secretary, Home Department,  
Government of Bihar, Patna.
2. The Director General Police, Bihar, Patna.
3. The District Magistrate, Cum Collector , Khagaria.
4. The Superintendent of Police, Khagaria.
5. The Superintendent of Excise Officer, Khagaria.
6. The District of Excise officer, Khagaria.
7. The S.H.O. of Maraiya, O.P., District- Khagaria.
8. The S.H.O. of Parbatta, P.S.+ District- Khagaria.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shekhar Kumar Singh  
For the Respondent/s : Mr. Vivek Prasad (GP-7)

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

2      19-02-2018                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

Petitioner has prayed for release of the vehicle Bajaj  
Discover Motorcycle bearing Reg.No.BR-34A-3261, which has  
been seized by the police in connection with Parbatta (Maraiya)  
P.S. Case No.361 of 2017, District-Khagaria for the offence under  
Section 37(A) of the Bihar Prohibition and Excise Act, 2016. It is  
alleged that no illicit liquor has 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 on 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/-

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