

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1030 of 2018**

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Samshad Faruki @ Samsad Faruki, Son of Samser Faruki, resident of Village- Belauidi, P.O.- Kaudiram, Police Station- Mohania, District- Bhabua at Kaimur.

.... .... Petitioner/s

Versus

1. The State of Bihar, Through Principal Secretary, Excise And Prohibition.
2. The Collector cum District Magistrate, Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. The Superintendent of Excise, Kaimur at Bhabua.
5. The S.H.O., Durgawati Police Station Kaimur at Bhabua.
6. The Investigating Officer, Durgawati Police Station Kaimur at Bhabua.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar

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

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**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 Tempo bearing Reg. No. BR45P-2758, which has been seized by the police in connection with Durgawati P.S. Case No.256/2017, District-Kaimur at Bhabua, for the offence under Sections 30(a)/38 of the Bihar Prohibition and Excise Act, 2016. It is alleged that 10.6 liters of foreign 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.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be released provisionally 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) Petitioner shall furnish surety bond of Rs.2,00,000/- (Two Lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Kaimur at Bhabua/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/-

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