

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.358 of 2018

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Anmol Kumar Singh, S/o Asheshwar Singh, R/o Mohalla- Gola Road,
Ramgarh, P.S.- Hazaribagh, District- Hazaribagh (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Registration, Excise And Prohibition, Government of Bihar, Patna.
2. The District Magistrate Cum Collector , Nawadah.
3. Superintendent of Police, Nawada.
4. The Excise Commissioner, Bihar, Nawadah.
5. Officer In Charge, Hisua, Nawadah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Respondent/s : Mr. Vikash Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 30-03-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Motorcycle bearing Reg.No.JH02AC-1841, which has been seized
by the police in connection with Hisua P.S. Case No.238 of 2016,
District-Nawada for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. It is alleged that 200 ml 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.

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 local sureties who reside within the jurisdiction of the authority concerned to the satisfaction of the District Magistrate, Nawadah/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)

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