

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.249 of 2018

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Abhishek Raj, Son of Sri Umesh Sharma, Resident of Village-Kako, Police Station-Kako in the District of Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Department, of Home, Government of Bihar, Patna
3. The District Magistrate-Cum-Collector, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Superintendent of Police, Patna.
6. The Deputy Superintendent of Police, Patna Sadar in the District of Patna.
7. The SHO of Pirbahore O.S, in the District of Patna.
8. The SHO Patliputra P.S. in the District of Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Respondent/s : Mr. Vivek Prasad(GP-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-03-2018 Learned counsel for the petitioner submits that the petitioner had lodged a theft case giving rise to Patliputra P.S. Case No.93 of 2017 under Section 379 I.P.C. regarding the vehicle in question (TATA SUMO GOLD) bearing Registration No.BR01PG-0943. The said vehicle was seized later on by Pirbahore Police in connection with Pirbahore P.S. case No.350 of 2017 registered on 11.7.2017 under Section 30 of the Bihar Prohibition and Excise Act. The stolen vehicle was having a fake Registration No.BR29PA4141.



Learned counsel submits that as per allegation, 84 litres illicit liquor were recovered from the vehicle which belongs to the petitioner but the fact is that earlier it was stolen away from his possession. Learned counsel submits that the correct Registration No. of the vehicle is BR01PG0943 and he has enclosed documentary evidences showing the ownership and registration of the vehicle in favour of the petitioner.

Learned counsel for the State is present and submits that in the facts and circumstances, it appears that there are two cases registered at two different police stations in connection with this vehicle.

Having heard learned counsel for the petitioner as well as State, I am of the considered opinion that in case of the petitioner submitting valid document of ownership and registration in his name with respect to the vehicle in question before the District Magistrate-Cum-Collector, Patna together with Bank Guarantee, or original title deed of any immovable property lying within the jurisdiction of the authority concerned or any other security of like nature valued at Rs.6,00,000/- (six lakhs) to the satisfaction of the District Magistrate-Cum-Collector, Patna, pending initiation or finalization of confiscation proceeding the vehicle in question shall be provisionally released in his favour



within a period of one week from the date of fulfilling the aforesaid conditions.

The petitioner undertakes that in case of such provisional release, he would not alienate or deal with the vehicle or otherwise encumber the same creating in any manner whatsoever any third party right in respect of the Tata Sumo vehicle in question. The petitioner further undertakes to produce the vehicle in question before the concerned authority as and when required. Prior to the release of the vehicle, a photograph of the vehicle shall be taken and panchnama shall be prepared in presence of the petitioner for use as secondary evidence in course of trial which the petitioner undertakes not to challenge.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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