

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2702 of 2017

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1. Sanjeev Kumar Thakur, Son of Raghunath Thakur, Resident of Jagtarni Tower Jamal Road, P.S.- Gandhi Maidan, Patna, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Excise And Prohibition.
2. That Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Secretariat, Patna.
3. The Officer-in-Charge, Boyasi Police Station, District- Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Rai

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 05-01-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner has prayed for release of the vehicle Maruti Celerio VXi bearing registration no. BR-01-CW-4925 in favour of the petitioner in connection with Bayasi P.S. Case No. 119 of 2017 for the offences under Section 37(B) of the Bihar Excise and Prohibition Act, 2016. It is submitted that no liquor was seized from the vehicle in question.

Learned counsel for the petitioner relies upon a Division Bench order of this Court in L.P.A. No. 1647/2015, the order dated 19.09.2017 passed in CWJC



No.13670 of 2017 and the order dated 29.08.2017 passed in Cr.W.J.C. No. 1289/2017 and submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court.

Let the vehicle if belong to 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 a surety bond (not in form of cash or Bank guarantee) of Rs. 6,00,000/- (Six lakhs only) with two sureties of like amount to the satisfaction of the District Magistrate, Purnea.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with it adverse to the interest of the State and shall produce it before the Collector-cum-District Magistrate, Purnea as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record.



It shall be subject to result of the decision in LPA No.1647 of 2015 where a question as to whether the Collector can pass an order of confiscation is pending consideration.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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