

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1149 of 2018

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Amlesh Kumar, Son of Rajeshwar Ray @ Tufani Ray, Resident of Village-
Yadav Nagar, Bhagwanpur, Police Station- Muzaffarpur Town Police
Station, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Excise Department,
Government of Bihar.
2. The District Magistrate, Muzaffarpur.
3. The Senior Superintendent of Police, Muzaffarpur.
4. The Dy. S.P. Sadar, Muzaffarpur.
5. Officer in charge of Muzaffarpur Town Police Station.
6. Investigating Officer of Muzaffarpur Town P.S. Case No.14 of 201, P.S.-
Muzaffarpur, Town, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Rajpati
For the Respondent/s : Mr. Anil Kumar Sinha (Ga1)

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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 Apache
Motorcycle bearing Reg. No. BR06AP/1798, which has been
seized by the police in connection with Muzaffarpur Town P.S.
Case No.14/17, District-Muzaffarpur for the offence under
Sections 272, 273 of the I.P.C. and Section 30(A) of the Bihar
Prohibition and Excise Act, 2016. It is alleged that 11.7 liters of
foreign liquor has been recovered from the vehicle in question.

Learned counsel for the petitioner submits that even



though he is not the registered owner of the vehicle in question but the facts remains that there is a sale letter of the vehicle in his possession which has already been brought on record.

Having heard learned counsel for the petitioner and learned counsel representing the State, this Court would direct for provisional release of the vehicle in question provided the petitioner along with the registered owner of the vehicle submits a joint application before the District Magistrate, Muzaffarpur, for provisional release, 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 District Magistrate, Muzaffarpur/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)

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