

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.460 of 2018

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Ramnath Lal Rastogi, S/o Surya Lal Rastogi, R/o Mohalla- Mirgiyachak,
Ward No. 9, Khagaria, Near Main Post Office- Khagaria, P.S. & District-
Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department.
2. The District Magistrate, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The S.H.O. Sahebpur Kamal, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Respondent/s : Mr. Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Scorpio bearing Reg.No.WB-74-P-4315, which has been seized by
the police in connection with Sahebpur Kamal P.S. Case No.164
of 2017, District-Begusarai for the offence under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016. It is alleged that two
bottles of foreign liquor each containing 375 ml have 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.5,00,000/- (five lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the 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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