

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.443 of 2018

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Sanjay Prasad, son of Yogi Prasad, resident of Village- Dekha (Lachhman Tola), P.S. Muffasil, District- East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department, Govt. of Bihar, Patna.
2. The State of Bihar through the Collector, East Champaran at Motihari.
3. The District Magistrate, East Champaran at Motihari.
4. The S.H.O. Motihari Muffasil Police Station, District, East Champaran at Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-04-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Mahindra Jeep bearing Reg. No. BR-1P-5603, which has been seized by the police in connection with Motihari Muffasil P.S. Case No.157 of 2017, District-East Champaran at Motihari for the offence under Sections 272/273 of the I.P.C. and Sections 30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 465 liters of Nepali Soufi 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.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be released provisionally within one week from the date of production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

(i) Petitioner shall furnish a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the authority concerned or any other security of like nature valued at Rs. 8,00,000/- (eight lakhs) to the satisfaction of the District Magistrate, East Champaran at Motihari/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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