

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.464 of 2018

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MUKESH PANDEY@MUKESH KUMAR PANDEY S/o Janardan Pandey, R/o Village- Bediban Madhuban , P.S.- Pipra, District- Motihari, East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration Excise And Prohibition Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Registration Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The District Collector, Motihari East Champaran.
4. The Superintendent of Police, Motihari , East Champaran.
5. The Officer In Charge of Pipra P.S., Motihari, East Champaran.
6. The Investigating Officer of Pipra, P.S. Case No. 225 of 2017.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava
For the Respondent/s : Mr. Vivek Prasad(GP-7)

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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 Apache Motorcycle bearing Reg.No.BR-05U-7243, which has been seized by the police in connection with Pipra P.S. Case No.225 of 2017, District-Motihari, East Champaran for the offence under Sections 272 and 273 of I.P.C. and Sections 30(a), 37(B) of the Bihar Prohibition and Excise Act, 2016. It is alleged that two bottles of foreign liquor each containing 180 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.60,000/- (sixty thousand) (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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