

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2410 of 2017
Arising out of Ghorasahan P.S. Case No.312 of 2017, District-East
Champran at Motihari.

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Awadhesh Rai, son of Sarvanand Rai, resident of village- Saraugarh, P.O.-
Baijnathpur, Police Station- Chiraiya, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department,
Government 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. Ghorasahan Police Station, District- East Champaran.
5. Shri Arbind Kumar, the Sub-Inspector of Police, Ghorasahan Police
Station, District- East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar Mishra

For the Respondent/s : Mr. Anil Kumar Sinha (GA-1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 25-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Motorcycle bearing Reg. No. BR05Q-8285, which has been seized
by the police in connection with Ghorasahan P.S. Case No.312 of
2017 for the offence under Sections 272 and 273 of the I.P.C. and
Sections 30(a), 37(a)(b) of the Bihar Prohibition and Excise Act,
2016.

Learned counsel for the petitioner submits that
presently no confiscation proceeding has been initiated as per his



knowledge.

In the facts and circumstances, let the vehicle of 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 surety bond of Rs.50,000/- (fifty 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)

Arvind/-

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