

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.939 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- BANKA

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Chandeshwari Prasad Yadav, Son of Awadh Mandal @ Abadh Prasad Mandal,
Resident of Village- Baijnathpur, P.S.- Saur Bazar, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, District Banka.
3. The Superintendent of Police, District Banka.
4. The S.H.O. of Bausi, District- Banka.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Parmod Mishra

For the Respondent/s : Mr. Vikash Kumar, S.C.11

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 04-05-2018

Heard learned counsel for the petitioner and
learned counsel representing the State.

Petitioner has prayed for release of the vehicle
(Scorpio) bearing registration no. BR-11Y-3011 in favour of the
petitioner in connection with Bausi P.S. Case No. 267 of 2017
for the offences under Section 30(a) of Bihar Prohibition and
Excise Act, 2016.

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, if
belongs to the petitioner, be released provisionally within a
week on production of proof of ownership and registration of



the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond of Rs. 6,00,000/- (Six Lakhs only) in form of Bank guarantee or the original title deed of an immovable property lying within the jurisdiction of the court or any other security of like nature to the satisfaction of the Collector cum District Magistrate, Banka.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the State and shall produce the vehicle before the Collector-cum-District Magistrate, Banka, as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared, certified and be kept on record in accordance with law.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	
CAV DATE	
Uploading Date	07.05.2018
Transmission Date	07.05.2018

