

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.2671 of 2017**

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Manoj Kumar Pankaj, aged about 30 years, S/o Bhagya Narain Rai, R/o Village- Fatehabad, P.S.- Kanti, Dist- Muzaffarpur.

.... .... Petitioner

Versus

1. The State of Bihar, Through The Principal Secretary Excise Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Director General of Police, Bihar, Patna.
4. The Collector, Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur.
6. The Officer in Charge, Karza, Police Station, Muzaffarpur.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Parasmani

For the Respondent/s : Mr. Vikash Kumar (Sc-11)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

**2. 05-01-2018**

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner has prayed for release of the vehicle Bullet Motorcycle bearing registration no. BR-06-1950 in favour of the petitioner which has been seized in connection with Karza P.S. Case No. 25/2017 for the offences under Sections 272, 273 of the Indian Penal Code and under Section 30(A)/35 of Bihar Excise Act, 2016.

Learned counsel for the petitioner relies upon a Division Bench order of this Court in L.P.A. No. 1647/2015, the order dated 19.09.2017 passed in CWJC No.13670 of 2017 and order dated 29.08.2017 passed in



Cr.W.J.C. No. 1289/2017 and submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court. The vehicle in question was allegedly carrying two cartoons of illicit liquor.

Let the vehicle if belongs to 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 a surety bond of Rs. 1,35,000/- (one lakh thirty five thousand only) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of learned A.D.J. – 3<sup>rd</sup> cum Special Judge, Excise Act, Muzaffarpur.

(ii) Petitioner shall furnish an undertaking that he would not alienate the vehicle or deal with it adverse to the interest of the State and shall produce it before the Collector-cum-District Magistrate, Muzaffarpur, in case any appropriate proceeding is initiated under the provision of the Bihar Prohibition and Excise



Act, 2016, as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record.

This application is, accordingly, disposed off.

**(Rajeev Ranjan Prasad, J.)**

*Rajeev/-*

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