

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.401 of 2018

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

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1. Ganesh Kumar Sah @ Ganesh Sah, S/o Rajendra Prasad Sah, R/o Mahinagar,
P.S. Kadwa Balia Belon, Distt.- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Excise Department, Patna, Bihar.
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. The S.H.O. Kadwa ((Balial Belon), Police Station, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Respondent/s : Mr. Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 20-04-2018

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

Petitioner has prayed for release of the vehicle
(Hero Super Splendor Motorcycle) bearing registration no.
BR-39U-2126 in favour of the petitioner in connection with
Kadwa (Balial Belon) P.S. Case No. 355/2017 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 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. 60,000/- (Sixty Thousand only) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of the Collector-cum-District Magistrate, Katihar.

(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, Katihar, 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	NAFR
CAV DATE	NA
Uploading Date	24.04.2018
Transmission Date	24.04.2018

