

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2900 of 2017

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Upendra Kumar Singh, S/o Chandra Mohan Singh, R/o Village- Maiki,
P.S.- Garkha, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department.
2. The District Magistrate Saran at Chapra.
3. The Superintendent of Police Saran at Chapra.
4. The Officer- in-charge Garkha Police Station District- Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar
For the Respondent/s : Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Hero
Passion Pro Motorcycle bearing Reg.No.BR-04V/8225, Engine
No.HA10ACHHD96561, Chasis No.MBLHAR180HHD26342,
which has been seized by the police in connection with Garkha
P.S. Case No.289 of 2017, District-Saran for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is submitted that 1.08 liters of illicit liquor have
been recovered from the vehicle in question. It is further submitted
that no confiscation proceeding has been initiated as yet.

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.

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)

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