

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2733 of 2017

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Om Prakash Yadav @ Om Prakash Kumar Yadav @ Om Prakash Kumar
S/o Bindeshwar Yadav, R/o Bindeshwar Yadav, R/o Village- Mohanpur,
Ward no 7, P.S.- Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise, Prohibition & Registration Department, Government of Bihar, Patna.
2. The Collector Cum District Magistrate, Sitamarhi.
3. The Superintendent of Excise, Patna.
4. The Officer In Charge of Bathnaha P.S., District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Respondent/s : Mr. Kumar Manish

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Motorcycle bearing Reg. No. BR30M 7749 (H.F. Deluxe of Hero Company) which has been seized by the police in connection with Bathnaha P.S. Case No.104 of 2017 for the offence under Sections 279, 272, 337 and 209 of the I.P.C. and Sections 30(A), 37(B) (C) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner relies upon a Division Bench order of this Court in LPA No.1647 of 2015 and other orders passed by a coordinate Bench of this Court and



submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court.

Let the vehicle of the petitioner be released provisionally on production of proof of ownership and registration of the vehicle subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs.40,000/- (forty 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) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record.

It shall be subject to result of the decision in LPA No.1647 of 2015 where a question as to whether an executive can



pass an order of confiscation is pending consideration.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

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