

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.2174 of 2017**

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Viru Ram, Son of Sikandar Ram, Residence of Village- Jalalpur, P.O.+P.S.- Noorsarai, District- Nalanda at present Address C/o Vinay Kumar, Mohalla+PO- Gulzarbagh, P.S.- Alamganj, Dist- Patna Pin- 800007.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise.
2. The District Magistrate, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The District Supply Officer, Nalanda.
5. The S.H.O. Noorsarai Police Station, District- Nalanda.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ranvijay Singh

For the Respondent/s : Mr. Kumar Manish (Sc-5)

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

- 3. 08-01-2018**                      Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Bolero Pick-up bearing registration no. BR-01GF-0797 in favour of the petitioner in connection with Noorsarai P.S. Case No. 134/2017 for the offences under Section 30(A) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner relies upon a Division Bench order of this Court in L.P.A. No. 1647 of 2015 and order dated 29.08.2017 passed in Cr.W.J.C. No. 1289 of 2017 by a co-ordinate 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.

It is submitted by learned counsel for the petitioner that since the petitioner is not having sufficient means, if his close kith and kin agree to furnish the bank guarantee the same may also be considered.

Considering the submission of the petitioner, let him satisfy the court below or the District Magistrate, Nalanda, as the case may be, as to his present condition by filing appropriate affidavit, and if the court below/District Magistrate, Nalanda, is satisfied then the petitioner may be permitted to bring the bank guarantee or original title deed of immovable property lying within the jurisdiction of the court below owned and possessed by his close relative by way of security and surety bond duly executed by the petitioner as well as the said close relative shall be accepted by the court below or the authority concerned.

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. 4,00,000/- (Four 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 learned 6<sup>th</sup> Additional Sessions Judge cum Special Judge, Excise Act, Nalanda at Biharsharif or the District Magistrate, Nalanda at Biharsharif as the case may be. In case the court below/District Magistrate, Nalanda, is satisfied with his affidavit showing his inability to bring security as above, his close relative shall be allowed to stand surety with aforesaid securities. In that case petitioner shall furnish his personal surety also.

(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 court below and/or the Collector-cum-District Magistrate, Nalanda at Biharsharif 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.

It shall be subject to result of the decision in LPA No.1647 of 2015 where a question as to whether the Collector can pass an order of confiscation is pending consideration.

This application is, accordingly, disposed off.

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

*Rajeev/-*

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