

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.965 of 2018

Arising Out of PS. Case No.-202 Year-2017 Thana- KUMARGHAND District- Madhepura

MD. SIKANDAR ALAM @ MD. SIKENDAR ALAM S/o Md. Ilyasuddin @
Md. Ilyas, R/o Village- Amha Tola Ward No. 9, P.O. & P.S.- Belari, District-
Madhepura ... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Department of Excise
Government of Bihar, Patna.
2. The District Magistrate, District Madhepura.
3. The Suprintendent of Police, District- Madhepura.
4. The S.H.O. of Kumar Khand, (Belari O.P.), District- Madhepura
... Respondents

Appearance :

For the Petitioner : Mr. Pramod Mishra, Adv.
For the Respondents : Mr. Kumar Manish (Sc 5)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-05-2018

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

Learned counsel for the petitioner does not pray for any
other relief save and except the prayer for release of the motorcycle in
question.

The prayer for quashing of the first information report and
challenge to the initiation of confiscation proceeding are not pressed.

It is stated that only one liter illicit liquor has been
recovered from the motorcycle in question. The confiscation
proceeding is still pending with the District Magistrate, Madhepura.
Learned counsel 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 motorcycle.

Learned counsel for the State is present.

Considering the submissions, made on behalf of the



petitioner, and finding that the petitioner is seeking only provisional release of the motorcycle during pendency of the confiscation proceeding, this Court directs provisional release of motorcycle, bearing registration no. BR-43J-9147, chassis no. MD637BR11H2B02449 and engine no. BR1BH2002847 on the petitioner's producing the document of ownership and registration in his favour along with two sureties (not in form of cash or bank guarantee) to the extent of value of Rs.60,000/- (rupees sixty thousand) to the satisfaction of the District Magistrate, Madhepura. The provisional release will be subject to the condition that the petitioner shall not transfer his vehicle in question in favour of any third party creating any adverse interest to the interest of the State and as and when required he will produce the vehicle in question before the authority concerned. Before release of the vehicle a Panchanama shall also be prepared which will be certified and kept on record for use as secondary evidence. The petitioner undertakes not to challenge secondary evidence.

This application stands **disposed off** accordingly.

(Rajeev Ranjan Prasad, J)

Shamshad/-

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