

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2767 of 2017

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1. Anil Kumar Issar, S/o Mahendra Prasad Issar, Resident of Village-
Mahishi, P.S.- Vibhutipur, Distt.- Samastipur (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The District Magistrate, cum Collector, Samastipur.
3. The Excise Superintendent, Dist.- Samastipur.
4. The Station House Office cum-officer-in- charge-Vibhutipur, Police
Station in the district of Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar

For the Respondent/s : Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 30-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Mahindra Bolero SLE bearing Reg. No. BR-01PF-3075, Chesis
No.MA1PL2GPKE5860289 and Engine No.GPE4B63971 which
has been seized by the police in connection with Bibhutipur P.S.
Case No.179 of 2016, District-Samastipur for the offence under
Sections 272, 273 and 414 IPC and Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2016. It is alleged that
81 liters of country made liquor have been recovered from the
vehicle in question.

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.

Considering the facts and circumstances particularly the fact that the vehicle in question was being used for carrying huge quantity of illicit liquor, let the vehicle of the petitioner be released provisionally on production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

(i) Petitioner shall furnish a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the court below or any other security of like nature valued at Rs. 5,00,000/- (five lakhs) 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)

Arvind/-

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