

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2729 of 2017

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Manisha Kumari, Wife of Late Himanshu Kumar, resident of Rajeev Colony Barari, P.S.- Barari, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Superintendent of Police, Bhagalpur.
4. The S.H.O. Bounsi Police Station, District- Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar

For the Respondent/s : Mr. Anil Kumar Sinha (Ga1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 15-01-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner has prayed for release of the vehicle Scorpio bearing registration no. BR-10PA-3059 in favour of the petitioner in connection with Bounsi P.S. Case No. 212/2017 for the offences under Sections 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 stated that two cartoons were seized and after opening the cartoon, 26 bottles of 750 ml. of Royal Stag foreign liquor was seized from the vehicle in question.

Let the vehicle, if belongs to the petitioner, be released provisionally on production of proof of ownership of the vehicle in the name of the deceased husband of the petitioner and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond of Rs. 8,00,000/- (Rupees eight 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 Court below or the Collector cum District Magistrate, Banka, as the case may be.

(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, Banka, 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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