

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2753 of 2017

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Amod Kumar @ Amod Kumar Yadav, S/o Late Arun Kumar, resident of Mangal Colony, Ward No. - 26 Sudin Chowk, Chat Pokhar, P.S. - K. Hat, District - Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department, Bihar, Patna.
2. The District Magistrate, Purnia.
3. The Superintendent of Police, Purnia.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh
For the Respondent/s : Mr. Vivek Prasad (GP-7)

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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 Maruti Suzuki Alto Car bearing Reg. No. BR11Q-4895, Engine No.F8DN5388049 which has been seized by the police in connection with Bhawanipur (Balua) P.S. Case No.43 of 2017 for the offence under Sections 272 and 273 of the I.P.C. and Section 30(A) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 12 liters of illicit liquor has been recovered from the said car.

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 in his favour subject to the following conditions:-

(i) Petitioner shall furnish a security in form of a bank guarantee or deposit of title deeds of immovable property situated within the jurisdiction of the concerned court/authority or any other security of like nature valued at Rs.3,00,000/- (three lacs) 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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