IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2843 of 2017

Arising Out of P.S. Case No. – 128 Year- 2017 Thana –Sheohar District- SHEOHAR

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Om Prakash Ram, Son of Raj Kumar Ram @ Raudi Ram, Resident of Village- Kothiya, Ward No. 9, Police Station- Sheohar, District- Sheohar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Collector, Sheohar.
3. The Excise Superintendent, Sheohar.
4. The Motor Vehicle Inspector, Sheohar.
5. The Officer Incharge, Sheohar Police Station, Sheohar.

.... Respondents

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Appearance:

For the Petitioner/s : Ms. Madhubala Verma, Advocate.

For the Respondent/s : Mr. Anil Kumar Sinha, GA 1.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 09-01-2018

Learned counsel for the petitioner seeks permission to make necessary corrections in Paragraph 1 of the application.

She is permitted to do so in course of the day.

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

The present application has been filed for release of the Motorcycle bearing registration no. BR-55B-1033 Model HF Deluxe (Hero Motor Crop Ltd.) in favour the petitioner which was seized by the police in connection with Sheohar P.S. Case No. 128 of 2017 registered U/S 30(a), 37(a)(b)/38 of the Bihar Prohibition and Excise

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Act, 2016 which is pending in the court of the learned 1st A.D.J.-cum-Special Judge (Excise), Sheohar.

Learned counsel for the petitioner submits that so far as the present case is concerned, it is for release of a motorcycle only and from the seizure list it will appear that the motorcycle has been seized only because it was standing in front of the house from where the alleged illicit liquor was recovered.

Learned counsel for the State is present.

Considering the facts and circumstances of the case, let the motorcycle in question be provisionally released in favour of the petitioner on production of documents of ownership and registration in his favour and submission of surety bond (not in form of cash or bank guarantee) for Rs. 50,000/- (Fifty thousand) with two sureties of like nature before the court below.

At the time of release of the motorcycle, the petitioner shall give an undertaking that he will not deal with the motorcycle in any manner whatsoever and shall not encumber the same or create a third party interest adverse to the interest of the State.

He will also give an undertaking that the motorcycle in question shall be produced either before the court below or the authority concerned, as the case may be, whenever required.

Before release, a photograph duly certified by the vehicle

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owner and a Panchnama shall also be got prepared and be kept on record which the petitioner will not challenge.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.01.2018
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