

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2778 of 2017

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Din Dayal Singh, Son of Tarkeshwar Singh, resident of Village- Kund, P.S.-
Dinara, District- Rohtas.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The S.H.O. Rajpur, Police Station, District- Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh

For the Respondent/s : Mr. Kumar Manish (Sc-5)

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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 Additional Public Prosecutor for the State.

The present application has been filed for release of the vehicle Pick Up Van bearing Registration No. BR-24G-1228 in favour of the petitioner which has been seized in connection with Rajpur P.S. Case No. 34/2017 for the offences under Section 272, 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016. It appears that huge quantity of illicit liquor was allegedly seized from the vehicle in question.

Learned counsel for the petitioner submits that till date no confiscation proceeding has been initiated



against the vehicle in question.

Considering the facts and circumstances of the case and the judgment of the Hon'ble Supreme Court in the case of **Sunderbhai Ambalal Desai vs. State of Gujarat** reported in **2002 (10) SCC 283**, and the other orders passed by this court in the matter of release of vehicles seized in connection with the cases under the Prohibition Act, I would direct the learned Additional District and Sessions Judge-II cum Special Court, Excise Act, Buxar and/or District Magistrate, Buxar, as the case may be, to provisionally release the vehicle in favour of the petitioner if he produces the documents of ownership and registration of vehicle in his favour and submits a surety bond of Rs. 6,00,000/- (Six Lakhs) in form of either a Bank guarantee or by deposit of the original document of title of an immovable property lying within the jurisdiction of the court below/authority concerned or a security of like nature to the satisfaction of the learned Additional District and Sessions Judge-II cum Special Court, Excise, Buxar, or the District Magistrate, Buxar as the case may be. At the time of release, a photograph of the vehicle duly certified and a panchnama in accordance with law shall also be prepared



and the same shall be kept on record for future use.

The vehicle shall be released provisionally subject to further condition that the registered owner/the petitioner shall not deal with the vehicle in question in favour of any other person and the vehicle shall neither be alienated or encumbered by creating an adverse interest against the interest of the State. He will give an undertaking that the vehicle shall not be used for any illegal purpose and as and when required the vehicle shall be produced by the registered owner/petitioner before the competent authority or court as the case may be.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

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