

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2741 of 2017

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Upendra Kumar S/o Late Jai Nandan Rai, R/o Bigrahpur, P.S.- Jakkanpur,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, Through the Principal Secretary, Excise Department, Patna.
2. The Senior Superintendent of Police, Patna.
3. The Collector Cum District Magistrate, Patna.
4. The Officer In Charge By-Pass P.S., Patna.
5. Dinanath Rai S/o Not Known, Posted as Sub Assistant Officer of Police Under the By-pass P.S., Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni
For the Respondent/s : Mr. Vikash Kumar (SC-11)

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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 Safari bearing Reg. No. BR01BG 0555, Chasis No.MAT403725CND06241, Engine No.2.2LDICOR09DXYJ 1080-3 which has been seized by the police in connection with By-Pass P.S. Case No.86 of 2017 for the offence under Section 30(a), 37 of the Bihar Prohibition and Excise Act, 2016.

It is alleged that as per the seizure list half liter wine kept in a plastic bottle has been seized from the vehicle in question.



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 subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs.9,00,000/- (nine lacs) (not in form of bank guarantee or cash) with two sureties of the like amount 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 the Collector can pass an order of confiscation is pending consideration.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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