

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2800 of 2017

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1. Ramchandra Sharma, Son of Late Laxmi Sharma, resident of Village-
Manoharpur, P.S.- Bihpur (Bhawanipur), District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar Through District Magistrate, Khagaria, District-
Khagaria.
2. The Superintendent of Police, Khagaria, District- Kagaria.
3. The Sub- Divisional Police Officer, Khagaria Sadar, P.S.- Khagaria,
District- Khagaria.
4. The Excise Superintendent, Khagaria, District- Khagaria.
5. The Inspector of Police, Sadar Khagaria, District- Khagaria.
6. Sri Ranjit Kumar Rajak, Son of not known, the Officer Incharge of
(S.H.O.) Muffasil, Police Station, P.S.- Muffasil, District- Khagaria.
7. Sri Bhagwan Prasad, Son of not known, Sub Inspector of Police, Muffasil
Police Station, District- Khagaria and Investigating Officer of Muffasil P.S.
Case No. 545/17 dated 11.08.2017.
8. Sri Saroj Kumar Singh, Son of Late Dharamdeo Singh, resident of
Village- Naryar, P.S. and District- Saharsa, Sub Inspector of Police
Muffasil, Police Station- Informant of Muffasil P.S. Case No. 515/17.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav
For the Respondent/s : Mr. Vivek Prasad (GP 7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 30-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Tempo (Auto) bearing Reg.No.BR-10PA- 8291, Chesis
No.MBX0000ZFUE299258, Engine No.S6E8569973, which has
been seized by the police in connection with Muffasil P.S. Case
No.545 of 2017, District-Khagaria for the offence under Sections



272 and 273/34 of IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is submitted that illicit liquor has been recovered from one of the passengers of the vehicle in question namely Akhilesh Kumar. It is also submitted that no confiscation proceeding has been initiated as yet.

Learned counsel for the petitioner submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the vehicle in question.

Let the vehicle of the petitioner be provisionally released on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

- (i) Petitioner shall furnish surety bond of Rs.2,00,000/- (two lakhs) (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) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and panchnama of the vehicle in question shall also be prepared and keep the same on record which may be used as secondary evidence.

(iv) Petitioner undertakes not to challenge the said photograph and panchnama so prepared in his presence at the time of release of vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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