

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No.983 of 2018**

Arising Out of PS.Case No. -null Year- null Thana -null District- SITAMARHI

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Rama Shankar Mahto, Son of Late Ramdev Mahto, Resident of Village- Nuniya  
Tola Bairganja Ward No.15, P.S.- Bairganja, District- Sitamarhi.

.... .... Petitioner

Versus

1. The State of Bihar, Through The Principal Secretary, Registration, Excise And Prohibition Department, Government of Bihar, Patna.
2. The Collector/District Magistrate- Sitamarhi, District- Sitamarhi.
3. The Excise Deputy Commissioner, Sitamarhi.
4. The Superintendent of Police, Sitamarhi.
5. The Superintendent of Excise, Sitamarhi.
6. The S.H.O. of Majorganj P.S. District- Sitamarhi.
7. The S.I. Arun Rai of Suppi O.P. of Majorganj P.S. District- Sitamarhi.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Virendra Kumar

For the Respondent/s : Mr. Anil Kumar Sinha

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

**ORAL JUDGMENT**

**Date: 04-05-2018**

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

Petitioner has prayed for release of the vehicle  
(Hero HF Deluxe Motorcycle) bearing registration no. BR-30M-  
4117 in favour of the petitioner in connection with Majorganj  
(Suppi O.P.) P.S. Case No. 270/2016 for the offences under  
Section 30(a), 41(A) of Bihar Prohibition and Excise Act, 2016.

It is alleged that the petitioner was escorting a  
Sumo Vehicle from which there was a recovery of 756 Liters  
illegal Nepali Saufi. Learned counsel for the petitioner submits  
that so far as the present vehicle is concerned, there was no  
recovery of illicit liquor from this vehicle.

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.

In the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle, if belongs to the petitioner, be released provisionally within a week on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

- (i) Petitioner shall furnish a surety bond of Rs. 60,000/- (Sixty Thousand only) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of the Collector-cum-District Magistrate, Sitamarhi.
- (ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the State and shall produce the vehicle before the Collector-cum-District Magistrate, Sitamarhi, as and when directed.
- (iii) A photograph of the vehicle shall be taken and panchnama be also prepared, certified and be kept on record in accordance with law.

This application is, accordingly, disposed off.

**(Rajeev Ranjan Prasad, J.)**

Rajeev/-

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