

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2307 of 2017

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1. Sanjay Kumar Yadav, S/o Ram Charitra Prasad @ Ram Charitra Prasad
Yadav, R/o Vill- Adampur, P.S.- Naya Ram Nagar, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar Through Its Principal Secretary, Excise Department.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate cum Collector, Munger.
4. The Superintendent of Police, Munger.
5. The Deputy Superintendent of Police, Munger.
6. The Officer in Charge of Kotwali (Purabsarai O.P.), P.S.- Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh

For the Respondent/s : Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 24-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Learned counsel for the petitioner seeks permission
to make correction in the registration number of the vehicle which
has been wrongly typed in the body of the petition.

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

Petitioner has prayed for release of the vehicle
Tempo bearing Reg. No. BR-08P-3278 which has been seized by
the police in connection with Kotwali (Purab Sarai) P.S. Case
No.289 of 2017, District-Munger for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged



that 370 pouches of country made liquor each containing 200 ml have been recovered from the vehicle in question.

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.

Considering the facts and circumstances particularly the fact that the vehicle in question was being used for carrying huge quantity of illicit liquor, let the vehicle of the petitioner be released provisionally on production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

(i) Petitioner shall furnish a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the court below or any other security of like nature valued at Rs. 3,50,000/- (three lakhs fifty thousand) 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)

Arvind/-

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