

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2796 of 2017

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Chaitu Sah son of Late Sawadh Sah resident of village : Selibeli, P.S. - Basopatti, District : Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Excise, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Darbhanga Commissioner, District - Darbhanga.
4. The Deputy Inspector General of Police, Darbhanga Commissioner, District Darbhanga.
5. The Superintendent of Police, Madhubani, District - Madhubani.
6. The Deputy Superintendent of Police Madhubani, District - Madhubani.
7. The Police-In-charge of Madhubani Town Police Station - District - Madhubani.
8. The Investigating Officer of Madhubani Town P S Case No. - 359 of 2017, District - Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha
For the Respondent/s : Mr. Vivek Prasad(GP-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Yamaha FZ-5 Motorcycle bearing Reg. No. BR-32U-0130, Ches is No.ME1RG0722H0291347, Engine No.G3C8E0436278 which has been seized by the police in connection with Madhubani Town P.S. Case No.359 of 2017, District-Madhubani for the offence under Sections 272 and 273 of the Indian Penal Code and Section



30(A) of the Bihar Prohibition and Excise Act, 2016.

As per seizure list, 75 bottles of 300 ml each of illicit liquor has been recovered from the dicky of the vehicle in question.

Learned counsel for the State submits that huge quantity of liquor has been recovered from the vehicle in question, therefore, it may be released on submission of bank guarantee or any other security of like nature.

Considering the facts and circumstances particularly the fact that the vehicle in question was 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 security in form of a bank guarantee or deposit of title deeds of immovable property lying within the jurisdiction of the court below or any other security of like nature valued at Rs. 75,000/- (seventy five 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) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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