

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.15 of 2018

Arising Out of PS.Case No. - 15 Year- 2017 Thana - Jhanjharpur District- MADHUBANI

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Ramanand Bhandari, son of Late Ram Patan Bhandari @ Ram Jatan Bhandari,
resident of Village - Jhanjharpur (East Tol), Ward No. 3, P.S.- Jhanjharpur,
District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Officer in Charge, Jhanjharpur Police Station, Madhubani.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.

For the Respondent/s : Mr. Anil Kumar Sinha, GA 1.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 09-01-2018

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

The present application has been filed for release of the
Motorcycle Bajaj Discover – 100DTSSI bearing registration no. BR-
32H8539, Engine No. 45769 in favour the petitioner which was seized
by the Officer-in-charge of Jhanjharpur Police Station, Madhubani in
connection with Jhanjharpur P.S. Case No. 15 of 2017 registered
dated 28.01.2017 registered U/S 290, 272, 273 IPC, Section
30(a)/37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that only 100
ml of illicit wine was allegedly recovered from the motorcycle in
question.



Learned counsel for the State is present.

Considering the facts and circumstances of the case, let the motorcycle in question be provisionally released in favour of the petitioner on production of documents of ownership and registration in his favour and submission of surety bond (not in form of cash or bank guarantee) for Rs. 50,000/- (Fifty thousand) with two sureties of like nature before the court below.

At the time of release of the motorcycle, the petitioner shall give an undertaking that he will not deal with the motorcycle in any manner whatsoever and shall not encumber the same or create a third party interest adverse to the interest of the State.

He will also give an undertaking that the motorcycle in question shall be produced either before the court below or the authority concerned, as the case may be, whenever required.

Before release, a photograph duly certified by the vehicle owner and a Panchnama shall also be got prepared and be kept on record which the petitioner will not challenge.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.01.2018
Transmission Date	10.01.2018

