

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1331 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- SASARAM (ROHTAS)

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Raj Kumar Sharma, son of Late Jag Narayan Sharma, resident of village – Etima,
P.S. – Hasan Bazar, District - Rohtas

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Excise And Prohibition
2. The Commissioner, Excise, Bihar, Patna.
3. The Officer-in-Charge, Darihat, P.S. Rohtas.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Respondent/s : Mr. Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 14-05-2018

It is submitted that the petitioner was found in drunken condition and for that reason the vehicle in question has been seized.

Learned counsel for the State is present.

In the facts and circumstances, let the aforesaid vehicle (L.M.V. Car) bearing Registration No. JH0BC-6898 of the petitioner, which has been seized in connection with Darihat P.S. Case No. 21 of 2018 be provisionally released 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 surety bond of Rs. 3,00,000/- (Three Lakhs thousand) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of the District Magistrate, Rohtas/ concerned authority.
- (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.

It is made clear that before initiation of any confiscation proceeding the District Magistrate shall consider the preliminary issue as to whether in view of Section 56 of the Bihar Prohibition and Excise Act, 2016 a confiscation proceeding may be initiated in respect of a vehicle from which there is no recovery of illicit liquor.

The application stands disposed of.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	
CAV DATE	
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