

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.86 of 2018

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Shashi Shankar Kumar @ Rajesh Kumar, Son of Sri Jitendra Sharma,
Resident of Village + P.O.-Pitwash, P.S.-Naubatpur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through The Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna
4. The Excise Superintendent, Patna.
5. Prem Raj Chauhan, Inspector-Cum Officer-in-Charge, Naubatpur Police Station in the District of Patna.
6. Krishna Prasad, A.S.I. Posted at Naubatpur Police Station-Cum-Investigating Officer of the Case.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr. Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Bajaj Discover Motorcycle bearing Reg.No.BR-01AX-7691, which has been seized by the police in connection with Spl. Case No.8162 of 2017, arising out of Naubatpur P.S. Case No.376 of 2017, District-Patna for the offence under Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that no illicit liquor has been recovered from the vehicle in question,



rather it was driven by brother-in-law of the petitioner in intoxicated condition. He further 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 of the petitioner be provisionally released 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.60,000/- (sixty thousand) (not in form of bank guarantee or cash) with two sureties of the like amount 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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