

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.7 of 2018

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Subham Choudhary, son of Munindra Kumar @ Munindra Ch. @ Munindra Choudhary, Durga Apartment, Road No.4, Gali No.6 Maipalpur, New Delhi, permanent address of village-Madhampur, P.S.-Chandi, District-Nalanda (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Bihar, Patna
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Motihari, District-East Champarn, Motihari.
4. The District Magistrate/Collector Motihari, District-East Champaran, Motihari.
5. The Excise Superintendent of Motihari, District-East Champaran, Motihari.
6. The officer in-charge of Chakiya, District-East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Kola Car of Toyota Company bearing Reg. No. DL-3CAM-1339, which has been seized by the police in connection with Chakiya P.S. Case No.128 of 2017, District-East Champaran, Motihari for the offence under Sections 272, 273 and 290 of the Indian Penal Code and Sections 30(a), 50(g), 57 and 60 of the Bihar Prohibition and Excise Act, 2016.

It is submitted that 12 cartoons of illicit liquor have



been recovered from the vehicle in question. It is further submitted that though confiscation proceeding has been initiated, but no final order has been passed.

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/authority concerned or any other security of like nature valued at Rs.5,00,000/- (five lakhs) 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.

Arvind/-

(Rajeev Ranjan Prasad, J)

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