

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.202 of 2018

=====

Ranjeet Kumar, son of Bharteshwar Prasad, Resident of Village-
Bhagwanpur (Pachuara), Police Station- Nalanda, District- Nalanda.

.... Petitioner/s

Versus

1. The Principal Secretary Excise Deptt., Govt. of Bihar, Patna. null null
2. The District Magistrate, Nalanda at Biharsharif. null null
3. The Superintendent of Police, Nalanda at Biharsharif. null null
4. The Sub Divisional Police Officer (Dy S.P.) Rajgir, Nalanda. null null
5. The Officer-in Charge of Chhabilapur Police Station within the district of Nalanda.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dr. Ajeet Kumar

For the Respondent/s : Mr. Kumar Manish (Sc-5)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 20-04-2018 It is stated that brother of this petitioner was found in

drunken condition while driving the motorcycle bearing Reg.

No.BR-21H-0929. Petitioner is the owner of the motorcycle and

has moved this Court for release of the same.

In the facts and circumstances, pending initiation or
finalization of the confiscation proceeding, let the aforesaid
vehicle of the petitioner, which has been seized in connection with
Chhabilapur P.S. Case No.97 of 2017, District-Nalanda, 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 the District Magistrate, Nalanda/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)

Arvind/-

U		T	
---	--	---	--

