

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2892 of 2017

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Ravikant Kumar S/o Yogendra Mahto, R/o Village- Chilra, Ward No. 2,
Sonbarsa, P.S. - Sonbarsa, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Excise, Prohibition & Registration Department, Government of Bihar, Patna .
2. The Collector Cum District Magistrate, Sitamarhi.
3. The Superintendent of Excise Department, Sitamarhi, District- Sitamarhi.
4. The Sub Inspector of Excise Department , Sitamarhi, District- Sitamarhi.

... Respondents

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 15-01-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner has prayed for release of the
T.V.S. Motorcycle vehicle bearing registration no. BR-30J-
6713 in favour of the petitioner in connection with Case
No. C2/507/17/765/17 for the offences under Section
30(A) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner relies upon
a Division Bench order of this Court in L.P.A. No. 1647 of
2015 and order dated 29.08.2017 passed in Cr.W.J.C. No.
1289 of 2017 by a co-ordinate Bench of this Court and
submits that the petitioner is ready and willing to abide by
the terms and conditions which may be imposed by this



Court. The vehicle in question was allegedly carrying 18 liters of Nepali Saufi.

Let the vehicle, if belongs to the petitioner, be released provisionally on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond of Rs. 50,000/- (Rupees Fifty Thousand only) in form of Bank guarantee or the original title deed of an immovable property lying within the jurisdiction of the court or any other security of like nature to the satisfaction of the learned Court below or the Collector cum District Magistrate, Sitamarhi, as the case may be.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the State and shall produce the vehicle before the court below and/or the Collector-cum-District Magistrate, Sitamarhi, as and when directed.



(iii) A photograph of the vehicle shall be taken and panchnama be also prepared, certified and be kept on record in accordance with law.

It shall be subject to result of the decision in LPA No.1647 of 2015 where a question as to whether the Collector can pass an order of confiscation is pending consideration.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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