

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2886 of 2017

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Bharat Nayak S/o Ghanshyam Nayak, R/o Village- Jhanjharpur, P.S.-
Jhanjharpur, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Department of
Excise, Government of Bihar, Patna.
2. The District Magistrate, Madhubani,
3. The Superintendent of Police, Madhubani.
4. The Officer In Charge, Jhanjharpur Police Station Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

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
Honda Motorcycle bearing registration no. BR-32R-0603
in favour of the petitioner in connection with Jhanjharpur
P.S. Case No. 90 of 2017 for the offences under Sections
273, 274 and 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 two bottles of 300 ml. desi liquor.

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) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of satisfaction of the court below and/or the Collector-cum- District Magistrate, Madhubani, 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, Madhubani, 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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