

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2874 of 2017

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Phool Babu Kumar, Son of Late Brij Mohan Singh, Resident of Village-
Ladaura, P.S.- Kalyanpur, Dist- Samastipur.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Registration, Excise & Prohibition Department, Govt. of Bihar, Patna.
2. The Collector/District Magistrate, Samastipur.
3. The Excise Deputy Commissioner, Darbhanga.
4. The Superintendent of Police, Samastipur.
5. The Superintendent of Excise, Samastipur.
6. The Officer-in-Charge cum S.H.O. Kalyanpur Police Station under District- Samastipur.
7. The Investigation Officer, S.I. Kalyanpur Police Station under District- Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjan 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
Scorpio vehicle bearing registration no. BR-33M-6832 in
favour of the petitioner in connection with Kalyanpur P.S.
Case No. 73 of 2017 for the offences under Sections 272,
273 of the Indian Penal Code and Section 30/38 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 five cartoons of Blenders Pride containing 120 bottles wine each containing 375 ml. total 45 liters wine from middle seat of Scorpio vehicle.

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. 8,00,000/- (Rupees Eight Lakhs 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, Samastipur, 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, Samastipur, 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.

Learned counsel for the petitioner, in the present case, is permitted to withdraw the application filed before the court below.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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