

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1519 of 2018

Arising Out of PS. Case No.-363 Year-2017 Thana- SHIVSAGAR District- Rohtas

SANAT DEY @ SANJAY DEO Son of Mukul Dey, R/o Village-
Balarampur, P.S. and District- Hediya, West Bengal.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise and Prohibition Department, Bihar, Patna.
2. Superintendent of Police, Rohtas.
3. Pramod Kumar, SHO Sheosagar, P.S.- Rohtas.
4. Rakesh Kumar Ranjan, S.I. Sheosagar, P.S. - Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Sinha
For the Respondent/s : Mr. Vikash Kumar (Sc-11)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-09-2018 Let the defects be ignored.

This application has been preferred seeking the quashing of the order dated 06.02.2018 passed in Sheosagar P. S. Case No. 363 of 2017 by learned A.D.J. II-cum- Special Judge (Excise), Rohtas.

By the impugned order the learned A.D.J.II-cum- Special Judge (Excise), Rohtas has rejected the prayer of the petitioner for release of the vehicle (Baleno) bearing no. HR-85/9336.

As per the F.I.R., the four wheeler car Baleno bearing registration no. HR-85/9336 was seized when the petitioner



who is said to be serving in Army was driving the vehicle carrying six bottles of liquor. It appears that his vehicle was intercepted by the Police when it was passing through Durgawati Toll Plaza at NH-2.

Learned counsel for the State is present.

Considering the quantity of liquor which is said to have been seized from the vehicle in question, in view of the consistent orders of Hon'ble Division Bench of this Court in other cases, pending initiation or finalization of confiscation proceeding this Court would direct provisional release of the vehicle in question on the petitioner's furnishing the document of ownership and registration of vehicle in his favour with two sureties to the extent of the value of the vehicle as indicated in the insurance document before the District Magistrate, Rohtas at Sasaram within one week. One of the sureties would be a local resident of the State of Bihar. The petitioner shall undertake that he will not deal with the vehicle in question creating any third party right or interest thereon during the pendency of the criminal case or the confiscation proceeding as the case may be. He will also undertake not to dispose of the same and shall be ready to produce the vehicle as and when required by the authorities concerned.



This application is disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

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