

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.67 of 2018

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Ramnath Sah, son of Ram Lakhan Sah, Resident of Village/Mohalla - Ward
No. 15 Jagdamba Nagar, Kolhua Paigambarpur, P.S. - Ahiyapur, District -
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Home Department,
Patna.
2. The District Magistrate, Muzaffarpur.
3. The Senior S.P.Muzaffarpur.
4. The S.H.O. of Brahmpura Police Station, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Respondent/s : Mr. Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 16-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Tempo bearing Reg.No.BR-06PB-6366, which has been seized by
the police in connection with Brahmpura P.S. Case No.275 of
2017, District-Muzaffarpur for the offence under Sections 272 and
273 of the Indian Penal Code and Section 30(A) of the Bihar
Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that no
illicit liquor has been recovered from the vehicle in question. He
further submits that the petitioner is ready and willing to abide by



the terms and conditions which may be imposed by this Court for provisional release of the vehicle in question.

In the facts and circumstances, pending finalization or initiation of the confiscation proceeding, let the vehicle of the petitioner 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.1,50,000/- (one lakh fifty thousand) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the authority concerned.

(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.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

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