

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2841 of 2017

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Amit Kumar, S/o Ram Shobhit Ray, Resident of Village- Rampur Dakshini,
P.O. Rampurhari, P.S. Hathauri, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary Old Secretariat, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The Principal Secretary Home Police, Bihar, Patna.
4. The District Collector, Muzaffarpur, District- Muzaffarpur.
5. The Superintendent of Police, (S.P.) Muzaffarpur, District- Muzaffarpur.
6. S.H.O. Hathauri P.S. Muzaffarpur, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Bolero Pickup FB bearing Reg. No. BR06GC-4371 which has
been seized by the police in connection with Hathauri P.S. Case
No.104 of 2017, District-Muzaffarpur for the offence under
Section 272, 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 as
per seizure list 190 bottles of Royal Stag each containing 750 ml
and 960 bottles of Royal Stag each containing 180 ml (total 317



litres) was allegedly recovered from the said Bolero Pick-up FB. However, he submits that in view of the pendency of the LPA No.1647 of 2015 where a question as to whether an executive can initiate a confiscation proceeding and pass an order therein is pending consideration, let the vehicle of the petitioner be provisionally released.

Learned counsel for the State submits that huge quantity of liquor has been recovered from the vehicle in question, therefore, it may be released on submission of bank guarantee or any other security of like nature.

Considering the facts and circumstances particularly the fact that the vehicle in question was used for carrying huge quantity of illicit liquor, let the vehicle of the petitioner be released provisionally on production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

- (i) Petitioner shall furnish a security in form of a bank guarantee or deposit of title deeds of immovable property lying within the jurisdiction of the court below or any other security of like nature valued at Rs.7,00,000/- (seven lacs) to the satisfaction of court below/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) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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