

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.52 of 2018

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Shyam Dev Chaudhary, son of Kishundev Chaudhary, Resident of Village
Koala Dewa, P.S. Phulwaria, District Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Officer-in-Charge Mairwa Police Station, District Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad

For the Respondent/s : Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Bolero bearing Reg.No.BR-28L-1943, which has been seized by
the police in connection with Mairwa P.S. Case No.209 of 2017,
District-Siwan for the offence under Sections 272 and 273/34 of
the Indian Penal Code and Sections 30(A), 37(B) and 41(i) of the
Bihar Prohibition and Excise Act, 2016.

It is submitted that 500 ml illicit liquor has been
recovered from the vehicle in question. It is also submitted that no
confiscation proceeding has been initiated as yet.

Learned counsel for the petitioner 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.

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.4,00,000/- (four lakhs) (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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