

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.25 of 2018

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Rakesh Mahto S/o Mahendra Mahto, R/o Village- Dhanaur, P.S.- Katra,
District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police, Biha , Patna.
4. The Collector cum District Magistrate, Muzaffarpur.
5. The Excise Superintendent, Muzaffarpur.
6. The Officer in Charge of Gaighat P.S., Muzaffarpur, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 08-01-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner has prayed for release of the vehicle
(three wheeler goods carrier auto) bearing registration no.
BR06GC-3986 in favour of the petitioner in connection
with Ghaighat P.S. Case No. 180/2017 for the offences
under Sections 272, 273, 414 of the Indian Penal Code and
30A of the 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. It is submitted that merely on suspicion the vehicle in question has been seized as nothing has been recovered from the vehicle. It is further stated that vide Annexure-4, a co-ordinate Bench of this Court has ordered for release of the 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. 2,00,000/- (Two Lakh only) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of the Collector cum District Magistrate, Muzaffarpur.

(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
Collector-cum-District Magistrate,
Muzaffarpur as and when directed.

(iii) A photograph of the vehicle shall be
taken and panchnama be also prepared and
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.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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