

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1493 of 2018

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Malti Devi W/o Jai Prakash Roy, R/o Mohalla- Bhowara, P.O. + P.S.-
Madhubani Town, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Inspector General, Darbhanga Commissiоery, District-Darbhangа.
4. The Deputy Inspector General of Police, Darbhanga Commissiоery,
District- Darbhanga.
5. The Superintendent of Police, Madhubani, District- Madhubani.
6. The Police In Charge of Madhubani Town P.S., District- Madhubani.
7. The Investigation Officer of Madhubani Town P.S. No. -390 of 2017,
Dated- 17.12.2017.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Respondent/s : Mr. Vikash Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle White
Colour Mahendra Supro LX bearing Reg. No. BR-32PA-2039,
which has been seized by the police in connection with
Madhubani Town P.S. Case No.390 of 2017, District-Madhubani
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. It is alleged that 243 liters of illicit liquor have been



recovered from the vehicle in question.

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.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit liquor being 243 liters, this Court would direct release of the vehicle in question on furnishing two sureties along with a bank guarantee for the value of the vehicle in question as indicated in the insurance document. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Madhubani that during the pendency of the confiscation proceeding he would not deal with the vehicle in question and shall not create any kind of encumbrance whatsoever and no third party right or interest shall be created. He would also undertake to produce the vehicle in question as and when required by the authority concerned.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha/Ved

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