

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.38 of 2018

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Prabhat Chandra, Son of Sri Anjani Kumar Sinha, Resident of Rental Flat
No. 255, P.S.-Kankarbagh, Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Home, Bihar, Patna.
3. The Principal Secretary, Department of Excise and Prohibition, Bihar,
Patna.
4. The Superintendent of Police, Patna.
5. The Officer-in-charge, Kankarbagh, Police Station- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Respondent/s : Mr. Anil Kumar Sinha (GA1)

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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
Motorcycle bearing Reg.No.BR-01-BB-3611, Ches is
No.MD2DSJZZZTPM42811, Engine No.JZUBTM68128 which
has been seized by the police in connection with Kankarbagh P.S.
Case No.321 of 2017, District-Patna for the offence under Section
290 of the Indian Penal Code and Section 37(c) of Bihar
Prohibition and Excise Act, 2016.

It is submitted that no 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. From Annexure-3 it has been shown that the value of the vehicle is Rs.22,000/-.

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.25,000/- (twenty five 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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