

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1422 of 2018

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Gurmail Singh S/o Bakshish Singh, R/o Mohalla- Bl.106, ISSA Nagar, P.S.-
Jalandhar Division No.1, Jalandhar- 1, Surnussi, District- Jalandhar, State-
Punjab.

.... Petitioner

Versus

1. The State of Bihar, Through Its Principal Secretary, Excise Department
At Patna.
2. The Divisional Commissioner, Excise Department of Chapra Division,
Saran at Chapra.
3. The Collector of Saran at Chapra.
4. The Superintendent of Police, Saran at Chapra.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kumar Ranjit Ranjan

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 24-07-2018

Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
(Truck) bearing registration no. PB08DG-9378 in favour of the
petitioner in connection with Manjhi P.S. Case No. 57 of 2018 for
the offences under Section 379/420 of the Indian Penal Code and
27(b)(ii)/28 Drugs and Cosmetic Act, 1940 and 8(c)/22(c)
N.D.P.S. Act.

It is alleged that the Truck in question was carrying
Phenesydryl New Cough Linctuses syrup having expiry date
mentioned as May 2019.

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 11,000 Bottles of 100 ml. Phensydryl New Cough Linctuses syrup recovered from the vehicle (Truck), this Court would direct release of the vehicle in question within a week 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, Saran at Chapra 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)

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