

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1651 of 2018

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1. Sakaldeep Yadav, S/o Late Jagdish Yadav, R/o Mirchaibari, Barmasiya,
P.S.- Katihar, Distt- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Excise Department,
Patna, Bihar.
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. The S.H.O. Excise Department, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev kr. Singh

For the Respondent/s : Mr. Vikash Kumar (Sc 11)

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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
(Tempo) bearing registration no. BR-39PA-0512 in favour of the
petitioner in connection with Prosecution Report No. C-1-439/18
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

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 105 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, Katihar 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)

Rajeev/-

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