

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2283 of 2018

Arising Out of PS. Case No.-99 Year-2018 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Ranjeet Ray @ Lala Ji, Son of Ganga Sagar Ray, Resident of Village-
Samsipur, P.S.- Bachhwara, District- Begusarai. (Owner of the vehicle
Registration No. UP-34C-7160 Mahindra Bolero).

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of
Registration, Excise And Prohibition, Government of Bihar.
2. The Excise Commissioner, Bihar, Patna.
3. The Collector-cum-The District Magistrate, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The Officer-in-Charge cum S.H.O. Mohiuddinnagar Police Station under
District- Samastipur.
6. The Investigation Officer, S.I., Mohiuddinnagar Police Station under District-
Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Respondent/s : Mr. Kumar Manish (Sc 5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-10-2018 . Heard learned counsel for the petitioner and learned
counsel representing the State.

Learned counsel for the petitioner is permitted to
make necessary correction in respect of the vehicle number.

The petitioner is seeking provisional release of the
vehicle Mahindra Bolero bearing Registration No. UP-34C-
7150 which has been seized in connection with Mohiuddin
Nagar P. S. Case No. 99 of 2018 registered for the offence
under Sections 30 (a) and 38(1) of the Bihar Prohibition &



Excise Act for 180 ml. illicit liquor 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.

Learned counsel for the petitioner submits that no confiscation proceeding has been initiated.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit liquor being less than 30 liters, this Court would direct release of the vehicle in question on petitioner furnishing two sureties for the value of the vehicle in question as indicated in the insurance document to the satisfaction of the court below. Apart from the above, the petitioner shall be obliged to submit an undertaking before the learned court below 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 and further that the vehicle is not involved in offence of similar



nature in past and shall not be involved in any offence of like nature in future.

Let the vehicle be released within a week after submission of the two sureties and undertakings as indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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