

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2519 of 2018

Arising Out of PS. Case No.-158 Year-2018 Thana- BYPASS District- Patna

1. Ramesh Chauhan
2. Ajit Chauhan @ Ajit Kumar Chauhan
Both are S/o Late Lakshmi Chauhan Resident of Village + Post-
Khemanichak, Indranagar, P.S.-Kankarbagh, Distt.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, The Excise Department,
Government of Bihar, Patna
2. The District Magistrate, Patna
3. The Senior Superintendent of Police, Patna
4. The District Sub-Divisional Police Officer, Patna
5. The S.H.O. By Pass P.S., Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma
For the Respondent/s : Mr. Anil Kumar Sinha(Ga-1)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-10-2018 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners have prayed for provisional release of the
vehicles Pickup Van 'Tata Ace' bearing registration no. BR1GG-
1370, Hero Honda Motorcycle bearing registration no. BR1AG-
7035, Samsung Company Mobile with no. 9128218720, Samsung
Mobile with no. 9386128966 and cash of Rs. 2500/- which have been
seized by the police in connection with By Pass P. S. Case No. 158 of
2018 for the offences under Sections 420/34 of the Indian Penal Code
and Sections 30(a)/37 (C) of the Bihar Prohibition and Excise
Act, 2016.



It is alleged that 548.2 liters of illicit liquor have been recovered from the vehicles in question.

Learned counsel for the petitioners submits that the petitioners are ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the vehicles and mobiles in question. It is further submitted that no notice has been received by the petitioners for confiscation proceeding in respect of the vehicles and mobiles 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 more than 30 liters, pending initiation/finalization of confiscation proceeding, this Court would direct provisional release of the Pickup Van 'Tata Ace' bearing registration no. BR1GG-1370 in favour of petitioner no. 2 on producing documents of ownership and registration in his name and furnishes two sureties along with a bank guarantee for the value of the vehicle in question as indicated in the insurance document to the satisfaction of the court below. So far as Hero Honda Motorcycle bearing registration no. BR1AG-7035 and mobiles in question and cash of Rs. 2500/- are concerned, those shall also be released in favour of petitioner no. 1 on his personal bond.

The order of provisional release of pick-up Van is, however, subject to the further undertakings to be submitted by the petitioner no. 2 before the court below as follows:



(i) That the vehicle in question is not involved in any other offence of similar nature in past and shall not be involved in the nature of the offence in future.

(ii) That the petitioner shall not create any third party right or interest in respect of the vehicles in question.

(iii) That the petitioner shall produce the vehicle as and when required by the learned court below/authority concerned.

Prior to release of the vehicle a Panchnama shall be prepared which will be kept on record for future use in course of trial.

The vehicles, cash and mobiles be released within one week from the date of furnishing surety and the undertakings as indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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