

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2762 of 2018

Arising Out of PS. Case No.-5 Year-2018 Thana- KHODAWANDPUR District- Begusarai

Dharmendra Kumar Sah @ Dharmendra Kumar, Son of
Ramchandra Prasad Sah, r/o Village- Labhgaon, P.S. & District-
Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Collector, Begusarai.
3. The Deputy Collector, Incharge, District Law Section, Samastipur.
4. The Superintendent of Police, Sitamarhi.
5. The Station House Officer of Khodawandpur Police Station, District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar
For the Respondent/s	:	Mr. Kumar Manish

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-11-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the vehicle (Bolero) bearing registration no. BR34P-1963, which has been seized by police in connection with Khodawandpur P. S. Case No. 05 of 2018 for the offence under Sections 30(a), 47 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per allegations made in the Police case, 18 liters Indian Made Foreign Liquor has been recovered from the vehicle in question.

Learned counsel for the petitioner submits that



Confiscation Case No. 68 of 2018 is pending before the learned Collector, Begusarai as regards the vehicle in question.

Learned counsel for the State is present.

Considering the facts and circumstance of the case wherein it appears that confiscation proceeding has been initiated with respect to the vehicle in question and the petitioner has no other alternative remedy except to move this Court under Article 226 of the Constitution of India, in view of the views expressed by the Hon'ble Division Bench of this Court, pending initiation/finalization of confiscation proceeding, this Court would direct provisional release of the vehicle in question on furnishing two sureties for the value of the vehicle in question as indicated in the insurance document to the satisfaction of the District Magistrate, Begusarai and shall furnish an undertaking to the effect that he will not deal with the vehicle in question in any manner whatsoever during pendency of the case and shall produce the vehicle as and when required before the court/authority concerned.

On the petitioner filing a copy of the document of the registration and ownership of the vehicle in his favour and upon his fulfilling the aforesaid terms and conditions, the vehicle in question shall be released within a week from the date of the



filing of the surety bond and the undertakings.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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