

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.111 of 2018

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1. Rahul Kumar S/o Arun Kumar Singh, R/o Village- Rajendra Nagar, Road No. 6, Kadamkuan, P.S.- Kadam Kuan, District- Patna at present Address- R/o Mohalla- Ward No.2 Malgodam Road, Gandhi Nagar, Khagaria, P.S.- Khagaria, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Excise, Government of Bihar, Patna .
2. The Secretary, Department of Excise, Government of Bihar, Patna.
3. The District Magistrate Cum Collector, Khagaria.
4. The S.P. Khagaria.
5. The Officer Incharge, P.S.- Khagaria, District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Bolero bearing Reg. No. BR-01PA-5603, which has been seized by the police in connection with Khagaria P.S. Case No.466 of 2017, District-Khagaria for the offence under Sections 30(a)/38 of the Bihar Prohibition and Excise Act, 2016. It is alleged that 196 bottles of foreign liquor each containing 180 ml and 48 bottles of foreign liquor each containing 375 ml have been recovered 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.

Considering the facts and circumstances, pending initiation or finalization of confiscation proceeding, let the vehicle of the petitioner be released provisionally on production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

(i) Petitioner shall furnish a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the court below/authority concerned or any other security of like nature valued at Rs. 5,00,000/- (five lakhs)) to the satisfaction of court below or the authority concerned.

(ii) The petitioner shall also give an undertaking that he will not deal with the vehicle in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State, he will not use the vehicle for



any illegal purpose and as and when required, he will produce the vehicle in question before the competent court/authority.

(iii) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and panchnama of the vehicle in question shall also be prepared and keep the same on record which may be used as secondary evidence.

(iv) Petitioner undertakes not to challenge the said photograph and panchnama so prepared in his presence at the time of release of vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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