

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1566 of 2017

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Rameshwar Kumar son of Ram Pravesh Mahto, Resident of Village-
Bajitpur, Police Station- Madhuban, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar through the Principal Secretary, Excise Department
Govt. of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 19-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Motorcycle Passion-Pro bearing Reg. No. BR06AL-1691 which
has been seized by the police in connection with Minapur P.S.
Case No.65 of 2017, District-Muzaffarpur for the offence under
Sections 272 and 273 of the I.P.C. and Sections 37 and 48 of the
Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that no
illicit liquor has been found in the vehicle in question. The brother
of this petitioner was allegedly driving the vehicle in intoxicated
condition.

In the facts and circumstances, let the vehicle of the



petitioner be released provisionally on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs.50,000/- (fifty thousand) (not in form of bank guarantee or cash) with two sureties of the like amount 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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