

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2847 of 2017

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Vinay Kumar Mishra @ Vinay Mishra S/o Nagendra Mishra, R/o Village-
Mahammadpur Damodar , P.S.- Sakra, Distt.- Muzaaffarpur.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary Department of
Excise Govt. of Bihar Patna.
2. The Distt. Magistrate Muzaaffarpur.
3. The Senior Superintendent of Police Muzaaffarpur.
4. The Officer In Charge Police Station Mushahri.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Respondent/s : Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. **06-02-2018** Heard learned counsel for the petitioner and

learned counsel representing the State.

This application has been filed for release of
the pick-up Van bearing registration No. BR-31GA-1164
in connection with Mushahari P.S. Case No. 171/2016 for
the offences under Sections 272 & 273 of the Indian Penal
Code and Section 30(a), 36, 38 of the Bihar Prohibition
and Excise Act, 2016.

Learned counsel for the petitioner submits
that the vehicle in question has been seized in connection
with the aforesaid case and the allegation is that it was
carrying 463 litres of illicit liquor. A confiscation
proceeding is said to have been initiated but no final order



has been passed in the said case.

Learned counsel for the petitioner relies upon a Division Bench order of this Court in L.P.A. No. 1647 of 2015 and order dated 29.08.2017 passed in Cr.W.J.C. No. 1289 of 2017 by a co-ordinate Bench of this Court and submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court.

Learned counsel for the State is present.

Let the vehicle, if belongs to the petitioner, be released provisionally within a period of three days on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond of Rs. 3,50,000/- (Rupees Three Lakhs and Fifty Thousand only) in form of Bank guarantee or the original title deed of an immovable property lying within the jurisdiction of the court or any other security of like nature to the satisfaction of the learned Court below or the Collector cum District Magistrate, Muzaffarpur, as the case may be.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal



with them adverse to the interest of the State and shall produce the vehicle before the court below and/or the Collector-cum-District Magistrate, Muzaffarpur, as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared, certified and be kept on record in accordance with law.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

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