

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2715 of 2017

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1. Rama Shankar Prasad S/o late Ram Raj Prasad R/o Village- Tarwara,
P.S. G.B. Nargar (Tarwara) , District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Excise Saran Division at Chapra.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj, District Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh
For the Respondent/s : Mr. Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Truck bearing Reg. No. BR29E-6283, Engine No.80L62723316, Chasis NO.426031MRZ224519 which has been seized by the police in connection with Mahammadpur P.S. Case No.76 of 2017 for the offence under Sections 279, 337, 338 and 427 of I.P.C. and Section 30(a) of Bihar Prohibition Excise Act, 2016.

It is alleged that 2550 ml of illicit liquor was found in the truck.

Learned counsel for the petitioner relies upon a Division Bench order of this Court in LPA No.1647 of 2015 and



other orders passed by a coordinate 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.

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

(i) Petitioner shall furnish surety bond of Rs.8,00,000/- (eight lacs) (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) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record.

It shall be subject to result of the decision in LPA



No.1647 of 2015 where a question as to whether an executive can pass an order of confiscation is pending consideration.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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