

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2779 of 2017

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Chhotelal Yadav, son of Ram Khelawan Yadav, resident of Village- Sohma,
P.S. Bithan, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary Excise Department.
2. The District Magistrate, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The Officer in Charge of Bakhri Police Station, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad
For the Respondent/s : Mr. Vikash Kumar (Sc-Xi)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle,
which is said to be pick-up van, bearing Reg. No. BR-01GC-7887
which has been seized by the police in connection with Bakhari
P.S. Case No.172 of 2016, District-Begusarai for the offence
under Section 290 of the Indian Penal Code and Sections
47(A)/57(A) of the Bihar Prohibition and Excise Act, 2016.

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 the purpose of release of
the vehicle in the light of the judgment of the Hon'ble Supreme



Court and of this Court in such matters.

Learned counsel for the State submits that huge quantity of liquor has been recovered from the vehicle in question, therefore, it may be released on submission of bank guarantee or any other security of like nature.

Considering the facts and circumstances particularly the fact that the vehicle in question was used for carrying huge quantity of illicit liquor, 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 security in form of a bank guarantee or deposit of title deeds of immovable property lying within the jurisdiction of the court below or any other security of like nature valued at Rs. 5,00,000/- (five lacs) 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.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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