

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2450 of 2017

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1. Md. Sarfuddin son of Shamsuddin, resident of 50, Rahmatganj, Village-
Rahmatganj, P.S. & Anchal- Masaurhi, District- Patna- 804452.
2. Md. Israil @ Israil, son of Md. Abdullah Rain, resident of Main Road,
P.S. Masaurhi, District- Patna- 804452.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Excise Department, Bihar, Patna.
2. Collector-cum- District Magistrate, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Respondent/s : Mr. Anil Kumar Sinha (Ga1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. 05-01-2018

Heard learned counsel for the petitioners and

learned counsel representing the State.

Petitioners have prayed for release of the
vehicle Tata Sumo Gold bearing its registration No.
BRO2AA-6212 and also for release of vehicle Scorpio
bearing its Registration No. BRO2X-9627 in connection
with Masaurhi P.S. Case No. 166/2017. Two Royal Stags
bottle of 750 ml. each were seized from possession of the
people, kept in the vehicles in question

Learned counsel for the petitioners relies
upon a Division Bench order of this Court in L.P.A. No.
1647/2015 and the order dated 15.07.2017 and 17.07.2017
(Annexure 2 & 3 respectively) passed by learned Special



Judge, Excise, Patna and submits that the vehicle was not in use for carrying liquor for commercial purpose as only two bottles have been found in vehicle with six persons on that. He further submits that the petitioners are ready and willing to abide by the terms and conditions which may be imposed by this Court.

Considering the facts and circumstances, let the vehicles if belong to the petitioners be provisionally released on production of proof of ownership and registration of the vehicle in their favour subject to the following conditions:-

(i) Each of the Petitioners shall furnish a surety bond of Rs. 7,00,000/- (Seven lakhs) in accordance with law with two sureties of the like amount for their respective vehicles to the satisfaction of the District Magistrate, Patna.

(ii) Each of the petitioners shall in respect of their vehicle furnish an undertaking that they would not alienate or encumber the vehicle or deal with it adverse to the interest of the State the vehicle shall not be used for any



illegal purpose, and shall produce it before the Collector-cum-District Magistrate, Patna as and when directed.

(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 the Collector can pass an order of confiscation is pending consideration.

The application stands disposed of.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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