

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.141 of 2018

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Sanjay Kumar Gupta, Son of Jagdish Gupta @ Sri Jagdish Saw, resident of Village- Salgawan Kadma, P.S.- Katankamdag, District- Hazaribagh (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department, of Excise Bihar, Patna.
2. The Secretary Department of Home (Police) Government of Bihar, Patna.
3. The Collector, Gaya.
4. The Senior Superintendent of Police, Gaya.
5. The Officer in-charge of Barachatty Police Station, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Respondent/s : Mr. Kumar Manish (SC 5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-02-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Bolero bearing Reg. No. JH-02AJ-8083, which has been seized by the police in connection with Barachatty P.S. Case No.298 of 2016, District-Gaya for the offence under Sections 272, 273 and 120B of the Indian Penal Code and Sections 47(a), 48(2), 49, 54 and 63 of the Bihar Prohibition and Excise Act, 2016. It is alleged that 11 jerkins each containing 38 liters of spirit have been recovered from the vehicle in question.

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 provisional release of the vehicle in question.

Considering the facts and circumstances, pending initiation or finalization of confiscation proceeding, 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 surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the court below/authority concerned or any other security of like nature valued at Rs. 4,00,000/- (four lakhs)) 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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