

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.58 of 2018

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Md. Jahur, son of late Mohammad, resident of village+P.S.-Babubarhi,
District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Department of
Excise, Government of Bihar, Patna
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Officer in-charge, Police Station-Benipatti, District-Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Respondent/s : Mr. Vikash Kumar (SC-11)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 16-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Alto
Car bearing Reg.No.BR-07S-6290, which has been seized by the
police in connection with Benipatti P.S. Case No.186 of 2016,
District-Madhubani for the offence under Sections 30(a)/38 of the
Bihar Prohibition and Excise Act, 2016. It is alleged that one
bottle of foreign liquor containing 750 ml has 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.

In the facts and circumstances, pending finalization or initiation of the confiscation proceeding, let the vehicle of the petitioner be provisionally released on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs.3,00,000/- (three lakhs) (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) 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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