

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.359 of 2018

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Binesh Kumar @ Binesh Kumar Ray, S/o Amir Ray, R/o Village- Bhelura
(Bheluradih), P.S.- Aurahi, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Through Its Chief Secretary, Old Secretariat, Patna.
2. The State of Bihar through its Chief Secretary Old Secretariat, Patna.
3. The Principal secretary, Department of Excise, Bihar, Patna.
4. The District Collector, Muzaffarpur , District - Muzaffarpur.
5. The Superintendent of Police (S.P.) Muzaffarpur , District- Muzaffarpur.
6. S.H.O. Town P.S.- Muzaffarpur , District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nitu Kumari

For the Respondent/s : Mr. Vikash Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 30-03-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the Ashik Juice
Corner Sine Board (Thela), which has been seized by the police in
connection with Town P.S. Case No.898 of 2017, District-
Muzaffarpur for the offence under Sections 272 and 273 I.P.C and
Sections 30(a), 38(2), 41 of the Bihar Prohibition and Excise Act,
2016. It is alleged that five bottles of foreign liquor each
containing 180 ml 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 Thela in question.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the Thela of the petitioner be released provisionally in favour of the petitioner subject to the following conditions:-

- (i) Petitioner shall furnish surety bond of Rs.20,000/- (twenty thousand) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Muzaffarpur/authority concerned.
- (ii) The petitioner shall also give an undertaking that he will not deal with the Thela 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 Thela for any illegal purpose and as and when required, he will produce the Thela 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 Thela in question shall also be prepared and keep the same on record which may be used as secondary evidence.

(iv) Petitioner shall undertake not to challenge the said photograph and panchnama so prepared in his presence at the time of release of Thela 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)

Arvind/-

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