

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.355 of 2018

=====

Sushil Mahto, son of Parshuram Mahto, Resident of village-Bhaluahi, P.O.-
Koriyahi, P.S.-Sursand, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar Through The Secretary, Excise Department, Govt. of Bihar, Patna
2. The Divisional Commissioner Excise Department, Sitamarhi.
3. District Magistrate-cum-Collector, Sitamarhi.
4. The Superintendent of Police, Sitamarhi.
5. The S.H.O., Rahika, District-Sitamarhi.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shivanand Singh

For the Respondent/s : Mr. Vivek Prasad (GP-7)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 30-03-2018 Learned counsel for the petitioner is permitted to correct the vehicle registration number in paragraph 1 of the writ application.

Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Honda Hornet Motorcycle bearing Reg. No. BR-30S-4964, Engine No.KC23E84027959, Chassis No.ME4KC23AEH8011364, which has been seized by the police in connection with Harlakhi P.S. Case No.136 of 2017, District-Madhubani for the offence under Sections 272/273/414 I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 36 liters of



foreign liquor 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 the confiscation proceeding, let the vehicle of the petitioner be released provisionally within one week from the date of 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 authority concerned or any other security of like nature valued at Rs. 60,000/- (sixty thousand) to the satisfaction of 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 shall undertake 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)

Arvind/-

U		T	
---	--	---	--

