

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1573 of 2018

Arising Out of PS. Case No.-192 Year-2017 Thana- BIHIYA District- Bhojpur

Zoomcar India Pvt. Ltd. having its registered address at Unit nos 701 to 717, 7th Floor, Tower-B, Diamond District No. 150, Airport Road, Kodihali, P.S.- Airport Bangalore- 560008 Through Its Authorized Representative Namely Dipshikha Chakravotry, Wife of Avijit Chakravorty.

... .. Petitioner/s

Versus

1. State of Bihar Through The District Magistrate, Bhojpur At Ara.
2. The District Magistrate, Bhojpur at Ara.
3. The Superintendent of Police, Bhojpur at Ara.
4. The Officer-in-charge, Bihiya Police Station, District- Bhojpur at Ara.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-07-2018 Heard learned counsel for the petitioner and the State.

The petitioner company is the owner of vehicle bearing registration no. DL-1NA-1791, which has been seized in connection with Bihiya P.S. Case No. 192 of 2017, dated 15.06.2017 instituted for the offences under Sections 30(A) and 56 (B) of the Bihar Prohibition and Excise Act, 2016.

It has been submitted on behalf of the petitioner that the company provides rental services vehicles on hire and the company had no idea that the vehicle would be used for transporting liquor, which is an offence under the Bihar Prohibition of Excise Act, 2016.



The provisions under Sections 56, 57, 58 and 60 of the Bihar Prohibition and Excise Act, 2016 relating to confiscation is under challenge and the matter is pending consideration before a larger Bench in Cr.W.J.C. No. 2446 of 2017 (Rahul Kumar @ Rahul Versus The State of Bihar & Ors).

In that view of the matter, pending initiation / finalization of the confiscation proceeding, let the vehicle of the petitioner in question 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) The petitioner shall furnish surety bond in form of 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. 5,00,000 /- (Rupees Five Lakhs) to the satisfaction of the District Magistrate, Bhojpur at Ara / 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) The 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.

This order shall, however, be subject to the result of Cr.W.J.C. No. 2446 of 2017.

The application stands disposed off.

(Ashutosh Kumar, J)

skm/-

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

