

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1401 of 2018

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Narendra Kumar @ Naro, Son of Shiv Kumar Prasad @ Shiv Kumar Mahto, Resident of Village- Bhikhani Bigha, Police Station- Sare, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda at Biharsharif.
3. The Superintendent of Police, Nalanda at Biharsharif.
4. The Deputy Superintendent of Police, Sadar, Biharsharif, District- Nalanda.
5. The Officer Incharge of Sare Police Station, District- Nalanda.
6. The Investigating Officer of Sare Police Station P.S. Case No. 160 of 2017, District- Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 24-07-2018

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

Petitioner has prayed for release of the vehicle (Motorcycle) bearing registration no. BR21N-2131 in favour of the petitioner in connection with Sare P.S. Case No. 160/2017 for the offences under Section 272, 273 of the Indian Penal Code and 30(a)(c)(d) 33, 36 of Bihar Prohibition and Excise Act, 2016.

It is stated that the motorcycle in question was standing outside in the factory premises from where seizure has been made.

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 surety bond (not in form of bank guarantee or cash) for the value of the vehicle in question as indicated in the insurance document with two sureties of the like amount to the satisfaction of District Magistrate, Nalanda at Bihar Sharif/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/-

(Rajeev Ranjan Prasad, J)

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