

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2348 of 2018

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Pintu Kumar S/o- Late Chhotan Soni @ Chotan Sah, resident of Village-
Kalyanpur, Ara, P.S.- Bihiya, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar, through the Secretary Home (Police) Department of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
3. The District Magistrate, Bhojpur.
4. The Director General of Police, Bihar, Patna.
5. The Superintendent of Police, Bhojpur.
6. The S.H.O. of Ara (Town) Police Station, District- Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Respondent/s : Mr. Vikash Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 01-10-2018 Heard learned counsel for the petitioner and
learned counsel representing the State.

Petitioner has prayed for release of the vehicle (Ape City Tempo) having Frame No. MBX0003DFVA 582502, Engine No. 58A8778287 in favour of the petitioner in connection with Barhara (Khwaspur O.P.) P.S. Case No. 191 of 2018 dated 17.05.2018 for the offences under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is alleged that from vehicle in question 43.2 litres of illicit liquor was recovered.

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 view of the views expressed by the Hon'ble



Division Bench of this Court, considering the quantity of 43.2 litres of illicit liquor was recovered from the vehicle in question, this Court would direct provisional release of the vehicle in question within a week on petitioner producing document of ownership and registration of vehicle with two sureties along with a bank guarantee for the value of the vehicle in question as indicated in the insurance document.

Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Bhojpur that during the pendency of the confiscation proceeding he would not deal with the vehicle in question and shall not create any kind of encumbrance whatsoever and no third party right or interest shall be created. He would also undertake to produce the vehicle in question as and when required by the authority concerned.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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