

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.283 of 2018**

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Sanjay Yadav, S/o Awadh Yadav, R/o Village- Wishanpur, P.S.- Rajnagar,  
District- Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar Through Its Principal Secretary, Excise Department,  
Govt. of Bihar, Old Secretariat, Patna.
2. The District Magistrate Madhubani.
3. The Superintendent of Police, Madhubani.
4. The S.H.O. Twon Madhubani P.S., Madhubani.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Gagan Deo Yadav

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

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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 vehicle Yamaha  
Motorcycle Yamaha SZ-RR-2PY1 bearing Reg. No. BR-32U-  
0131, Chassis No.ME1RG081BG0052323, Engine  
No.G3C9E0073088, which has been seized by the police in  
connection with Madhubani Town P.S. Case No.155 of 2017,  
District-Madhubani for the offence under Sections 272 and 273  
I.P.C. and Sections 30(i), 36 and 41 of the Bihar Prohibition and  
Excise Act, 2016. It is stated that no illicit liquor has 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 surety bond of Rs.60,000/- (sixty thousand) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Madhubani/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/-

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