

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.518 of 2018

Arising Out of PS.Case No. -220 Year- 2017 Thana – Kadwa (Baliya Belon) District- KATI HAR

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Manna Das @ Mannan Das S/o Bisheshwar Das, R/o village- Borila Mallikpur,
P.S.- Baliya Belon, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through Its Principal Secretary, Excise Department, Patna.
2. The District General of Police, Bihar, Patna.
3. The District Magistrate, Katihar.
4. The Superintendent of Police, Katihar.
5. The Officer in Charge Kadwa (Baliya Belon), P.S., District- Katihar.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. (Advocate).
For the Respondent/s : Mr. (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 11-04-2018

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

Petitioner has prayed for release of the vehicle Suzuki
Hayate Motorcycle, bearing Reg. No. BR-39S-6341, which has been
seized by the police in connection with Kadwa (Baliya Belon) P.S.
Case No. 220 of 2017, District - Katihar for the offences under
Sections 272, 273 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016. It is alleged that 14 liters of
country-made 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 finalization of 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 District Magistrate, Katihar / 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 undertakes 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)

Dilip, AR

AFR/NAFR	NAFR
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