

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1062 of 2018

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Rani Devi, Wife of Sri Binod Kumar Mandal @ Vinod Mandal, Resident of Village- Pannuchak, P.O.- Ghogha, P.S.- Ghogha, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Commissioner, Excise Department, Bihar, Patna.
3. The District Magistrate-cum-District- Officer, Patna.
4. The Superintendent of Police, District- Patna.
5. The Officer in charge, Rampur Police Station, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Singh

For the Respondent/s : Mr. Anil Kumar Sinha (GA-1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-05-2018 The petitioner has shown that P.S. Case No.384/17 mentioned at page no.9 be taken as correct. He further submits that in the seizure list the last digit of the Registration Number of the vehicle has been wrongly written. It is submitted that the petitioner has rightly provided the Registration Number as BR-11H-9207.

In view of the statements made at the bar, let the defects be ignored.

From the seizure list it appears that the vehicle in question has been seized with 500 Grams of country made Mahua liquor.

Heard learned counsel for the petitioner and learned



counsel representing the State.

Petitioner has prayed for release of the vehicle Bolero bearing Reg. No. BR-11H-9207, which has been seized by the police in connection with Rampur P.S. Case No.384/17, District-Gaya for the offence under Sections 30(a), 37(b) of the Bihar Prohibition and Excise Act, 2016.

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.6,00,000/- (six lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Patna/authority concerned.
- (ii) The petitioner shall also give an undertaking



that she 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, she will not use the vehicle for any illegal purpose and as and when required, she 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 her 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)

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