

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.421 of 2018

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ABHISHEK KUMAR @ ABHISHEK KUMAR JAISWAL, son of Uday Chandra Jayswal, Resident of Biroli Bazar, Police Station- Rupoli, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The District Magistrate, Katihar.
4. The Superintendent of Police, Katihar.
5. The Station House Officer, Kursela Police Station, Katihar.
6. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Adv.

For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-03-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Motorcycle bearing Reg.No.BR-11Z-0482, Chassis No.ME3U3S5C1GD414924 and Engine No.U3S5C.0GD040782, which has been seized by the police in connection with Kursela P.S. Case No.36 of 2017, District-Katihar for the offence under Section 219 of the Indian Penal Code and Section 37(B) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that no



illicit liquor has been recovered from the vehicle in question. He further 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 the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be provisionally released within one week from the date of production of proof of ownership and registration of the vehicle in his favour 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 court below or the 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)

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