

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.528 of 2018

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Lalan Kumar Thakur, S/o Puran Lal Thakur, R/o Village- Kumhari, P.S.-
Kadwa, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar Through Its Principal Secretary, Excise Department, Patna.
2. The Director General, Bihar, Patna.
3. The District Magistrate, Katihar.
4. The Superintendent of Police, Katihar.
5. The Officer In Charge Dandhhora P.S., District- Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Respondent/s : Mr. Vikash Kumar (Sc-11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 25-04-2018 A counter affidavit has been filed on behalf of the State.

The confiscation proceeding is said to be still pending.

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

Petitioner has prayed for release of the vehicle Auto
(Tempo) bearing Reg. No. BR-11PA-1896, which has been seized
by the police in connection with Dandkhora P.S. Case No.48 of
2017, District-Katihar for the offence under Sections 272 and 273
of I.P.C. and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016. It is alleged that 10.9 liters of foreign 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 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.2,00,000/- (two lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of 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 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)

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