

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.901 of 2018

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Umesh Prasad @ Umesh Prasad Yadav Son of Ganesh Prasad@ Ganesh Yadav Resident of Village- Teliyanpar Near Devi Mandir,P.S. Punpun, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Excise Department, Bihar, Patna
2. The District Magistrate-cum-Collector, District- Patna.
3. The Senior Superintendent of Police, District- Patna.
4. The Station House Master(S.H.O), P.S. Phulwarisharif, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
Mr. Binod Kumar, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle three wheeler autorickshaw (Tempu- Piaggio, bearing Reg. No.BR01-PF 6622, which has been seized by the police in connection with Phulwarisharif P.S. Case No.737 of 2017, District-Patna for the offence under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 10 liters of country made liquors 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.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, Patna/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/R.R.Ojha

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