

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1375 of 2018

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Mukesh Kumar, S/o Subhak Lal Mandal, Resident of Village- Dandari
Police Station- Singheshwar, District- Madhepura.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Excise And Prohibition, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Araria.
3. The Superintendent of Police, Araria.
4. The Officer In-charge of Raniganj Police Station, District- Araria.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam

For the Respondent/s : Mr. Vivek Prasad (Gp-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 24-07-2018

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

Petitioner has prayed for release of the vehicle (Mahindra Scorpio White Colour) bearing registration no. BR43P-1271 in favour of the petitioner in connection with C.I.S. No. 298/2018 arising out of Raniganj P.S. Case No. 74/2018 for the offences under Section 272, 273 I.P.C. and 30(a) of Bihar Prohibition and Excise Act, 2016. It is alleged that 216 liters of illicit 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.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit liquor being more than 200 liters, this Court would direct release of the vehicle in question within one week on furnishing two sureties



along with a bank guarantee for the value of the vehicle in question as indicated in the insurance document. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Araria, that during the pendency of the confiscation proceeding he would not deal with the vehicle in question and shall not create any kind of encumbrance whatsoever and no third party right or interest shall be created. He would also undertake to produce the vehicle in question as and when required by the authority concerned.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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