

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1521 of 2018

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Brajesh Kumar @ Brajesh Ray, son of Jagdish Ray, resident of Village+
P.O.- Chak Sikandar, P.S.- Tajpur, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, (Excise) Department Bihar, Patna
2. The Collector, Samastipur.
3. The Superintendent of Police Samastipur
4. The Excise Superintendent, Samastipur
5. S.H.O., Tajpur Police Station, Samastipur.
6. The I.O. in Tajpur Police Station Case No. 305/17

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Rajeev Ranjan Sinha, Advocate.

For the Respondent/s : Mr. Anil Kumar Sinha, GA 1.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 29-06-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle a small A.c. Pick-up Van bearing Reg. No. BR-33GA-3319, which has been seized by the police in connection with Tajpur P.S. Case No. 305 of 2017, District Samastipur, for the offence under Sections 47/30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 270 liters of foreign liquor have been recovered from the vehicle in question.

Learned counsel for the petitioner submits that no confiscation proceedings has yet been initiated and 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 confiscation proceedings, let the



vehicle in question be released provisionally in favour of the petitioner 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) The petitioner shall furnish a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the authority concerned or any other security of like nature valued at Rs. 2,00,000/- (two lakhs) to the satisfaction of the District Magistrate, Samastipur.

(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 the same be kept on record which may be used as a secondary evidence.

(iv) The Petitioner undertakes not to challenge the 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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