

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2392 of 2018

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Satish Kumar, S/o Nagina Prasad Singh, Resident of Village-
Govind Fulkaha, P.S. Kanti, Dist.- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Tirhut Range, Muzaffarpur.
4. The Collector-cum-District Magistrate, Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur.
6. The Circle officer Cum Executive Magistrate, Muzaffarpur.
7. The Station Head Officer, Kathaiya, Muzaffarpur.
8. The I.O. Cum Sub-Inspector of Police, Kathaiya, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, 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. 11-10-2018

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

Petitioner has prayed for release of the vehicle (Wagon-R Car) having registration No. BR01CS-3043 in favour of the petitioner in connection with Kathaiya P.S. Case No. 157/2017 for the offences under Sections 414, 307, 511/34 of the Indian Penal Code as well as Section 30(a), 32(ii), 38(ii) of Bihar Prohibition and Excise Act, 2016.

It is alleged that from vehicle in question 270 litres of illicit liquor was recovered.

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 30 liters, pending initiation/finalization of confiscation proceeding, this Court would direct provisional release of the vehicle in question on furnishing two sureties along with a bank guarantee for the value of the vehicle in question as indicated in the insurance document to the satisfaction of the District Magistrate, Muzaffarpur.

The order of provisional release is, however, subject to the further undertakings to be submitted by the petitioner before the District Magistrate, Muzaffarpur as follows:

(i) That the vehicle in question is not involved in any other offence of similar nature in past and shall not be involved in the nature of the offence in future.

(ii) That the petitioner shall not create any third party right or interest in respect of the vehicle in question.

(iii) That the petitioner shall produce the vehicle as and when required by the learned court below/authority concerned.

Prior to release of the vehicle a Panchanama shall be prepared which will be kept on record for future use in course of trial.

The vehicle be release within one week from the date of furnishing surety and the undertaking as indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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