

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2246 of 2018

Arising out of Nabinagar P.S. Case No. 231 of 2016, District Aurangabad

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Mantosh Kumar S/o Ram Nandan Chauhan, R/o Village - Simari Dhamani,
P.S.- Mali, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar Through Principal Secretary, Department of Registration And Excise, Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. That Station House Officer, Nabinagar P.S., District- Aurangabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Santosh 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 26-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Discover Motorcycle bearing Reg. No. BR-26L-1378, which has been seized in connection with Nabinagar P.S. Case No. 231 of 2016 District Aurangabad, for the offence under Section 30(a)38 of the Bihar Prohibition and Excise Act, 2016. It is alleged that 48 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 30 liters, pending initiation/finalization of confiscation proceeding, this Court would direct release of the vehicle in question on petitioner 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, Aurangabad. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Aurangabad 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.

Let the vehicle be released within a week after submission of the two sureties along with Bank Guarantee as indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

Arvind/Ved/-

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