

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28469 of 2018

Arising Out of PS.Case No. -280 Year- 2016 Thana -BARACHATTI District- GAYA

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Manish Bhaskar @ Chintu S/o Jay Pal Rajak, resident of
Mohalla- Jagriti Nagar Khajpura, P.S.- Rajeev Nagar, District-
Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Indra Kumar Singh

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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.

The petitioner has filed this application for quashing of the order dated 06.02.2018 passed by learned Special Judge, Excise, Gaya in Barachatti P.S. Case No. 280/2016 registered under Sections 272, 273, 120(B) of the Indian Penal Code and 47(a), 48, 57 of Bihar Excise (Amendment) Act, 2016 whereby the learned Special Judge, Excise, Gaya has rejected the prayer for release of the seized Maruti Ciaz bearing Registration No. BR01CH-1488.

It is alleged that from vehicle in question only 6 liters 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.

Considering the quantity of only 6 liters of illicit liquor was recovered from the vehicle in question, the impugned order dated 06.02.2018 passed by learned Special Judge, Excise, Gaya in Barachatti P.S. Case No. 280/2016 is set aside, and this Court would direct provisional release of the vehicle in question within a week on petitioner producing document of ownership and registration of vehicle with two sureties for the value of the vehicle in question as indicated in the insurance document to the satisfaction of learned Special Judge, Excise, Gaya.

The order of provisional release is, however, subject to the further undertakings to be submitted by the petitioner before the court below/authority concerned 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)

Rajeev/-

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