

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.725 of 2018

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Rahul Kumar @ Shambhu Singh S/o Virendra Sharma @ Manchand Singh,
R/o Village- Akabarpur, P.S.- Hilsa, Distt.- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department Excise, Bihar, Patna.
2. The District Magistrate, Nalanda at Biharsharif.
3. Superintendent of Police, Nalanda at biharsharif.
4. The Station House Officer, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Sri Binod Bihari Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

5 30-03-2018 Learned counsel for the petitioner is permitted to add District Magistrate, Nalanda at Biharsharif as party respondent no.2 in course of the day.

It is stated that there is no recovery of illicit liquor from the vehicle in question (Motorcycle bearing Registration No.BR-21J-8281), which has been seized in connection with Hilsa P.S. Case No.238 of 2017 along with Mobile Phone of Lenevo Company (IMEI No.869440028 188 645, 86944 0028188 637) and no confiscation proceeding is pending presently.

In the facts and circumstances, let the vehicle and the mobile of the petitioner be released provisionally within one week



from the date of production of proof of ownership and registration of the vehicle and the proof of purchase of mobile in favour of the petitioner subject to the following conditions :

1. Petitioner shall furnish surety bond of Rs.60,000/- (sixty thousand) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of the District Magistrate, Nalanda at Biharsharif/authority concerned.
2. The petitioner shall also given 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.
3. At the time of release, the concerned authority/court shall get prepared a photograph duly certified in present of the petitioner and panchnama of the vehicle in question shall also be prepared and keep the same on record which



may be used as secondary evidence.

4. Petitioner undertakes not to challenge the said 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 accordingly.

(Rajeev Ranjan Prasad, J)

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