

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1106 of 2018

Arising out of Araria P.S. Case No.31 of 2018, District-Araria.

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Md. Afak @ Afak, S/o Badruddin, Resident of Village-Jokihat P.S. Jokihat,
District Araria

.... Petitioner/s

Versus

1. The State of Bihar, Through The Secretary, The Custom & Excise Department, Government of Bihar, Patna.
2. The Collector, Araria.
3. The Superintendent of Police, Araria,
4. The Deputy Superintendent of Police, Araria.
5. That Station House Officer Jokihat P.S., District Araria.
6. Ashok Kumar Singh, A.S.I. P.S. Jokihat District Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Respondent/s : Mr. Vikash Kumar (Sc11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 24-07-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Tata 41 Tiago bearing Chassis No.MAT626182H KN 84950 and Engine No.105LCR 02 NSYW 22887, which has been seized by the police in connection with Araria P.S. Case No.31 of 2018/Spl. Case No.84/18, for the offence under Sections 30(a), 36 and 38 of the Bihar Prohibition and Excise Act, 2016. It is alleged that 68 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 60 liters, this Court would direct 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. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Araria 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.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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