

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2280 of 2018

Arising out of Nawkothi P.S. Case No. 34 of 2018, District Begusarai

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Jitendra Kumar, Son of Dinesh Choudhary, Resident of Village- Karichak Chowk, Karichak Chhapaki, P.S. Birpur, District- Begusarai.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Patna.
2. The District Magistrate, Begusarai.
3. The Sub-Divisional Officer, Begusarai.
4. The Superintendent of Police, Begusarai.
5. The Dy. Superintendent of Police, Begusarai.
6. The Excise Superintendent, Begusarai.
7. The Investigating Officer-cum-Assistant Police Sub-Inspector P.S. Nawkothi, District- Begusarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Advocate

For the Respondent/s : Mr. Kumar Manish (SC-5)

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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.

The petitioner is seeking provisional release of the vehicle Maruti Suzuki Alto 800 VXi bearing Reg.No.BR-09Q-8010, Chassis No.MA3UA 61500607066 and Engine No.F8DN5389575, which has been seized in connection with



Nawkothi P.S. Case No.34 of 2018, registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act for recovery of 375 ML illicit liquor 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.

Learned counsel for the petitioner submits that no confiscation proceeding has been initiated.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit liquor being less than 30 liters, this Court would direct release of the vehicle in question on petitioner furnishing two sureties for the value of the vehicle in question as indicated in the insurance document to the satisfaction of the court below. Apart from the above, the petitioner shall be obliged to submit an undertaking before the learned court below 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 as indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

Arvind/Ved/-

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