

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2268 of 2018

Arising Out of PS. Case No.-460 Year-2018 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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Vinod S/o Rajendra Singh @ Rajender, R/o Mohalla- Ginam Pana Sonipat,
P.S.- Sonipat, District- Sonipat, Hariyana.

... .. Petitioner/s

Versus

1. The State of Bihar Through Its Chief Secretary Old Secretariat, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The Principale Secretary Home Police, Bihar, Patna.
4. The District Collector, Muzaffarpur District Muzaffarpur.
5. The Superintendent of Police (S.P.) Muzaffarpur, District- Muzaffarpur.
6. The S.H.O. Kanti P.S- District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nitu Kumari
For the Respondent/s : Mr. Kumar Manish (Sc-5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Learned counsel for the petitioner submits that in the
seizure list engine number of the vehicle has wrongly written.

Petitioner has prayed for release of the vehicle Tata
Tigor XE Car bearing Engine No. REVTR No. 5 FRYK 57046
Chasis No. MAT 629201 JKF 57555 , which has been seized by
the police in connection with Kanti P. S. Case No. 460 of 2018
for the offence under Sections 30(a) 38, 41 of the Bihar
Prohibition and Excise Act, 2016. It is alleged that 215 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. It is further submitted that no confiscation proceeding has yet 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 more than 30 liters, pending initiation/finalization of confiscation proceeding, 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 to the satisfaction of the court below. Apart from the above, the petitioner shall be obliged to submit an undertaking before the 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 along with the Bank Guarantee as



indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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