

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2241 of 2018

Arising out of Kalyanpur P.S. Case No. 77 of 2018, District Samastipur

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Ashok Kumar, son of Kishan Lal, resident of Village- Gurshyam, Police Station- Shamarka, District- Panipat (Haryana).

.... Petitioner

Versus

1. The State of Bihar, Through The Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Excise Commissioner, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Senior Superintendent of Police, Samastipur.
5. The Excise Superintendent, Samastipur.
6. The Station House Officer, Kalyanpur P.S., District- Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate

For the Respondent/s : Mr. Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 26-09-2018 Learned counsel for the petitioner is permitted to make necessary correction.

Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner is seeking provisional release of the vehicle Swift Desire Car bearing Reg.No.HR-06AM-0357, Chassis No.MA3FHEB1SOOD37051, Engine No.D13A-3128391, which has been seized in connection with Kalyanpur P.S. Case No.77 of 2018, registered for the offence under Sections 272, 273 and 414 of the I.P.C. and Sections 30(a)/47 of the Bihar



Prohibition and Excise Act for recovery of 98.25 liters 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 more than 30 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 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 along with Bank Guarantee as indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

Arvind/Ved/-

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