

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2275 of 2018

Arising Out of PS. Case No.-409 Year-2017 Thana- MINAPUR District- Muzaffarpur

RAJ KUMAR MAHTO @ RAJ KUMAR son of Shatrudhan Mahto, resident
of Village- Narma, P.S. Hathauni, District- Muzaffarpur.... ... Petitioner/s
Versus

1. The State of Bihar through Principal Secretary, Deptt. of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. Superintendent of Excise, Govt. of Bihar, Patna.
4. Station House Officer, Minapur, Police Station, District- Muzaffarpur.
5. Investigating Officer of Minapur P.S. Case No. 409 of 2017 dated 18.10.2017
... ... Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the vehicle Glamour Motorcycle bearing Registration No. BR06AS-7743 which has been seized in connection with Minapur P. S. Case No. 409 of 2017 registered for the offence under Sections 414, 272, 273/34 of the Indian Penal Code and Sections 30 (a), 38, 41 and 48 of the Bihar Prohibition & Excise Act for recovery of 300 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 and further that the vehicle is not involved in offence of similar nature in past and shall not be involved in any offence of like nature in future.

Let the vehicle be released within a week after submission of the two sureties and undertakings as indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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