

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.615 of 2018

Arising Out of PS.Case No. -100 Year- 2017 Thana - Simari District- BUXAR

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Kanchan Kumari, Daughter of Sri Awadh Bihari Ram, Resident of Village
Ahirauli, P.S. Buxar (Industrial), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Inspector General of Police, Patna.
4. The Deputy Inspector General of Police, Patna.
5. The District Magistrate, Buxar.
6. The Superintendent of Police, Buxar.
7. The Deputy Superintendent of Police, Buxar.
8. The Station House Officer, Simari Police Station, District Buxar.
9. Sri Manoj Kumar Singh, Sub-Inspector of Police, Simari Police Station, District- Buxar.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate.

For the Respondent/s : Mr. (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 11-04-2018

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

Petitioner has prayed for release of the vehicle Hero
Splendor Pro Motorcycle, bearing Reg. No. BR-44B-6870, which has
been seized by the police in connection with Simari P.S. Case No. 100
of 2017, District Buxar, for the offence under Sections 272 & 273 of
the Indian Penal Code and Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016. It is alleged that 7.2 liters of foreign liquor have



been recovered from the vehicle in question.

Learned counsel for the petitioner submits that notice of Confiscation Case No. 211 of 2017 has been issued to the petitioner but no order has been passed till date. Learned counsel 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.

Considering the facts and circumstances, pending finalization of the confiscation proceeding, let the vehicle in question be released provisionally in favour of the petitioner within one week from the date of production of proof of ownership and registration of the vehicle in favour of the petitioner, subject to the following conditions:-

(i) The petitioner shall furnish two sureties (not in form of cash or Bank Guarantee), valued at Rs. 60,000/- (Sixty thousand), to the satisfaction of the District Magistrate, Buxar.

(ii) The petitioner shall also give an undertaking that she will not deal with the vehicle in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State; she will not use the vehicle for any illegal purpose and as and when required, she will produce the vehicle in question before the competent court/authority.



(iii) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and Panchnama of the vehicle in question shall also be prepared and the same be kept on record which may be used as a secondary evidence.

(iv) The Petitioner undertakes not to challenge the photograph and Panchnama so prepared in her presence at the time of release of vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
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