

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.581 of 2018

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Lakshmi Devi, Wife of Late Mahavir Choudhary, resident of Back Side of
DSP Office, Rastriya Ganj, P.S. + P.O.- Phulwari Sharif, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Bihar, Patna.
2. The Collector cum District Magistrate, Patna.
3. The Assistant Commissioner Excise, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Station House Officer, Gardanibagh, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anuj Dilbar Krishna

For the Respondent/s : Mr. Anil Kumar Sinha (GA-1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 26-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Mahindra Bolero Pick-up Van bearing Reg. No. BR-01GE-3584,
which has been seized by the police in connection with P.R.
(Gardanibagh) No.151 of 2017, Special Case No.7267 of 2017,
District-Patna for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. It is alleged that 900 liters of
toddy 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.

Considering the facts and circumstances, pending initiation or finalization of confiscation proceeding, let the vehicle of the petitioner be released provisionally on production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

(i) Petitioner shall furnish a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the court below/authority concerned or any other security of like nature valued at Rs. 5,00,000/- (five lakhs)) to the satisfaction of court below or the authority concerned.

(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 keep the same on record which may be used as secondary evidence.

(iv) Petitioner undertakes not to challenge the said 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)

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