

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.654 of 2018

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Mohammad Salim Shah @ Mohammad Saleem Yaseen Shah, Son of
Yaseen Shah, Resident of Village- Koirpurwa, Ward No. 28 Buxar, P.S.
Buxar (Town), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department
Bihar, Patna.
2. The Superintendent of Police, Buxar.
3. S.H.O. Industrial Police Station, Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Respondent/s : Mr. Kumar Manish (SC 5)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 30-03-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Apache
Motor Cycle bearing Reg. No. BR-44F-2594, which has been
seized by the police in connection with Buxar (I) P.S. Case No.93
of 2017 (G.R. No.1373/2017), District- Buxar for the offence
under Sections 272/273/34 of the Indian Penal Code and
30(a)/41(1) of the Bihar Prohibition and Excise Act, 2016. It is
alleged that 180 Ml. each Bagpiper whisky 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 finalization of confiscation proceeding, let the vehicle of the petitioner be released provisionally 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) 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 authority concerned or any other security of like nature valued at Rs. 60,000/- (sixty thousand) to the satisfaction of the District Magistrate, Buxar/authority concerned.

(ii) The petitioner shall also give an undertaking that he 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, he will not use the vehicle for any illegal purpose and as and when required, he 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 his 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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