

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.908 of 2018

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Vikash Kumar

.... Petitioner/s

Versus

The State of Bihar Through The Principal Secretary, Department of
Excise, Bihar, Patna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Indu Shekhar Dwivedi

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 04-05-2018 Let the defect which is in the nature of a
typographical in the order be ignored.

The vehicle in question has been seized. Even
though no illicit liquor has been recovered from the vehicle.

It is alleged that the petitioner was driving the
vehicle in question in a drunken condition.

Learned counsel for the State is present.

In the facts and circumstances, pending initiation or
finalization of the 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 surety bond of Rs.
60,000/- (Sixty Thousand) (not in form of bank



guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Nalanda/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 shall undertake 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 District Magistrate shall consider as to whether a vehicle against whom there is no allegation of carrying illicit liquor may be confiscated in view of the provisions contained under Section 56 of the Bihar Prohibition and Excise Act, 2016.

The application stands disposed of.

(Rajeev Ranjan Prasad, J.)

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