

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.1298 of 2018**

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Upendra Rai @ Upandra Rai, son of Late Ram Chandra Rai, resident of  
village- Dudhpura, P.S.- Samastipur Mufassil, District- Samastipur.

.... .... Petitioner/s

Versus

1. The State of Bihar through The Principal Secretary, Department of Registration, Excise and Prohibition, Govt. of Bihar
2. The Excise Commissioner, Bihar, Patna.
3. The Collector-cum-the District Magistrate, Samastipur.
4. The Superintendent of Excise, Samastipur.
5. The Officer-in-charge-cum-SHO, Kalyanpur, Police Station under District- Samastipur.
6. The Investigation Officer, S.I. Kalyanpur Police Station under District- Samastipur.

.... .... Respondent/s

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**Appearance :**

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

For the Respondent/s : Mr. Vikash Kumar (SC-11)

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

**ORAL ORDER**

2      07-05-2018                      Learned counsel for the petitioner is permitted to make correction in paragraph-1 of the writ application in course of the day.

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

Petitioner has prayed for release of the vehicle (Mahendra Zyalo) bearing registration no. BR33J/6241 in favour of the petitioner in connection with Kalyanpur P.S. Case No.73 of 2017 for the offences under Section 30(a) of Bihar Prohibition and Excise Act, 2016.



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.

In the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle, if belongs to the petitioner, be released provisionally within a week on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond of Rs. 7,00,000/-(Rupees seven lac only) in form of Bank guarantee or the original title deed of an immovable property lying within the jurisdiction of the court or any other security of like nature to the satisfaction of the learned Court below or the Collector cum District Magistrate, Samastipur, as the case may be.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the State and shall produce the vehicle before the court below and/or the Collector-cum-District Magistrate, Samastipur, as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared, certified and be kept on record in



accordance with law.

This application is, accordingly, disposed off.

**(Rajeev Ranjan Prasad, J)**

N.H./-

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