

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1522 of 2018

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1. Shiv Prasad Choudhary Son of Ramdayal Choudhary Resident of Village
Aaganoor, P.S. Kaler, District Arwal.

.... Petitioner/s

Versus

1. State of Bihar through Excise Superintendent of Aurangabad, Dist.
Aurangabad.
2. District Magistrate, Aurangabad, Dist - Aurangabad.
3. Officer-In-Charge, Police Station - Deokund, Dist - Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 02-07-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle TVS XL
100 Luma Motor-Bike, bearing Reg. No. BR-26L-3342, which has
been seized by the police in connection with Deokund P.S. Case
No. 10 of 2017, District Aurangabad, for the offence under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016. It is
alleged that 1 and half liters of foreign liquor have been recovered
from the vehicle in question.

Learned counsel for the petitioner submits that no
confiscation proceeding has been initiated and 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



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, valued at Rs. 60,000/- (Sixty thousand) (not in form of cash or Bank Guarantee), to the satisfaction of the District Magistrate, Aurangabad/concerned authority.

(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 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 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)

A.K.V./-

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