

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1499 of 2018

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Vijay Kumar, Son of Jagadish Yadav, resident of Village- Manpur, P.S.-
Buniyadganj, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Director General of Police Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Superintendent of Police, Gaya, District- Gaya.
4. The District Magistrate/ Collector Gaya, District- Gaya.
5. The Excise Superintendent of Gaya, District- Gaya.
6. The Officer In Charge of, Buniyadganj P.S. District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Respondent/s : Mr. Vivek Prasad (GP 7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Tempo bearing Reg. No. BR02Q-0732, which has been seized by the police in connection with Buniyadganj P.S. Case No.205/17, District- Gaya for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 120 K.G. of illicit Mahua 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.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit Mahua being 120 K.G, this Court would direct release of the vehicle in question on furnishing two sureties along with a bank guarantee for the value of the vehicle in question as indicated in the insurance document. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Gaya, that during the pendency of the confiscation proceeding he would not deal with the vehicle in question and shall not create any kind of encumbrance whatsoever and no third party right or interest shall be created. He would also undertake to produce the vehicle in question as and when required by the authority concerned.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha/Ved

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