

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1567 of 2018

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Ruby Kumari, W/o Hari Shankar Prasad, resident of Gate No. 46 Mainpura,
Post Office GPO, P.S. Patliputra, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Home, Govt. of Bihar, Patna.
2. The Principal Secretary, Excise and Prohibition Department, Govt. of Bihar, Patna.
3. The District Magistrate cum District Collector, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Excise Superintendent, Patna.
6. The Deputy Excise Superintendent, Patna.
7. The Station House Officer, Parsa Bazar, Patna.
8. The Investigating Officer of Parsa Bazar P.S. Case No. 140/2018.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, 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 Bajaj Auto bearing Reg. No. BR01PH-1793, which has been seized by the police in connection with Parsa Bazar P.S. Case No. 140/2018, District-Patna for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 110 liters of illicit liquor 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 liquor being 110 liters, 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, Patna 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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