

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2221 of 2018

Arising out of Ahiyapur P.S. Case No. 552 of 2018, District Muzaffarpur

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Ram Prit Choudhary S/o Ram Lagan Choudhary, R/o Village- Baigana
Nizamat, P.S.- Aurai, Distt.- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. District Magistrate, Muzaffarpur.
3. Superintendent of Police, Muzaffarpur.
4. Superintendent of Excise, Muzaffarpur.
5. S.H.O. , Mushahari Police Station,
6. Investigating Officer of Ahiyapur P.S. Case No. 552/18.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner is seeking provisional release of the vehicle Pick-up Van bearing Reg.No.BR 06R-8578, Chassis No.MA1ZN2GGA91B14881, Engine No.GG91A 41482, which has been seized in connection with Ahiyapur P.S. Case No.552 of 2018, registered for the offence under Sections 30(a)/38(1)/41(1) of the Bihar Prohibition and Excise Act for recovery of 729 liters



illicit liquor 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.

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

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit liquor being more than 30 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 to the satisfaction of the court below. Apart from the above, the petitioner shall be obliged to submit an undertaking before the learned court below 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.

Let the vehicle be released within a week after submission of the two sureties along with Bank Guarantee as



indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

Arvind/Ved/-

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