

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2078 of 2018

Arising Out of PS. Case No.-206 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

Jai Kishor Mishra, Son of Balbhadra Mishra, Resident of Village- Bairawan,
Police Station- Simra, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Commissioner, Department of Excise, Government of Bihar, Patna.
3. The Superintendent of Police, Patna.
4. The Deputy Superintendent of Police, Department of Excise, Government of Bihar, Patna.
5. The Inspector of Police, Excise Department, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar
For the Respondent/s : Mr. Anil Kumar Sinha (Ga-1)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

As prayed for, learned counsel for the petitioner is
permitted to make necessary correction in the application.

The petitioner is seeking provisional release of the
vehicle Tata Sumo bearing Registration No. BR26H-3628
which has been seized in connection with Excise Case No. 206
of 2018 registered for the offence under Section 30 (a) and 56
(gha) of the Bihar Prohibition & Excise Act for recovery of 6
liter 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 less than 30 liters, this Court would direct release of the vehicle in question on petitioner furnishing two sureties 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 as indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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