

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2071 of 2018

Arising Out of PS. Case No.-37 Year-2018 Thana- KHUTAUNA District- Madhubani

Rakesh Kumar S/o Dinesh Patel, R/o Vill.- Kartahan, P.O.- Kartahan, P.S.-
Kartahan, District- Vaishali. Petitioner/s

Versus

1. The State of Bihar Through The Departmental of Excise, Bihar, Patna.
2. The District Magistrate, Madhubani at Motihari.
3. The Superintendent of Police, Madhubani at Madhubani.
4. The S.H.O. , Khutauna P.S., District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.Ii
For the Respondent/s : Mr. Vivek Prasad (Gp 7)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Hero
Honda Splender Plus bearing registration no. BR31L-3898,
which has been seized by the police in connection with
Khutauna P.S. Case No. 37 of 2018 registered for the offence
under Sections 30(a), 39 (1), 2) of the Bihar Prohibition and
Excise Act, 2016. It is alleged that 93.81 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 more than 30 liters, pending initiation/finalization of confiscation proceeding, 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 District Magistrate, Madhubani. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Madhubani 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 the Bank Guarantee as indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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