

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2188 of 2018
Arising out of Arwal P.S. Case No.192 of 2018, District-Arwal

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Sadan Prasad S/o Ramsewak Sao, R/o Vill.- Muradpur Hujara, P.O. + P.S.-
Baidrabad, District- Arwal.

.... Petitioner

Versus

1. The State of Bihar through Secretary Excise Department, Government of Bihar Arwal.
2. The District Magistrate, Arwal.
3. Senior Superintendent of Police, Arwal.
4. The S.H.O. of Arwal P.S. of District- Arwal.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha (GA1)

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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 white colour Swift Dzire bearing Reg.No.BR01DR6922, Chassis No.MA3CZF03SJB292816, Engine No.D13A3260902 and three mobiles of which two were of Samsung J-7 having Sim No.6203337644 and 7635076022 and third one was of Micromax having Sim No.9631912310 and 9525433668 which have been seized in connection with Excise Case No.691 of 2018 arising out of Arwal P.S. Case No.192 of 2018, registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act for



recovery of 1 liter 700 ml 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)

Arvind/Ved/-

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