

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2153 of 2018

Arising Out of PS. Case No.-121 Year-2018 Thana- SONBERSA District- Sitamarhi

Kapildeo Paswan, Son of Mohit Paswan, Resident of Village- Chakmahila,
Police Station- Sitamarhi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise, Prohibition & Registration Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Sitamarhi.
3. The Superintendent of Police, Sitamarhi, District- Sitamarhi.
4. The S.H.O. of Sonbarsa Police Station, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar
For the Respondent/s : Mr. Vivek Prasad (Gp 7)

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.

The petitioner is seeking provisional release of the vehicle TVS Motorcycle bearing Registration No. BR30R-5065 which has been seized in connection with Sonbarsa P. S. Case No. 121 of 2018 registered for the offence under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition & Excise Act for recovery of 9 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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