

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2181 of 2018

Arising Out of PS. Case No.-257 Year-2018 Thana- JAYNAGAR District- Madhubani

Shiv Narayan Roy, Son of Late Ramdev Roy, resident of Village- Mahua,
P.O.- Ekdara, P.S. Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise & Prohibition Act, Government of Bihar, Patna. null null
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Officer-in-Charge, Jainagar, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Respondent/s : Mr. Vikash Kumar (Sc 11)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the vehicle Hero Splendar Plus Motorcycle bearing Registration No. BR32 S-1064 which has been seized in connection with Jaynagar P. S. Case No. 257 of 2018 registered for the offences under Sections 272, 273, 290/34 of the Indian Penal Code and Sections 30 (a) and 37 (c) of the Bihar Prohibition & Excise Act for recovery of 2 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 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 and further that the vehicle is not involved in offence of similar nature in past and shall not be involved in any offence of like nature in future.

Let the vehicle be released within a week after submission of the two sureties and undertakings as indicated



above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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