

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2197 of 2018

Arising out of Chauri P.S. Case No.44 of 2017, District-Bhojpur

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Dipak Ray @ Dipak Kumar Ray son of Shreeman Narayan Ray, Resident of
Village – Perhap, P.S. – Sahar, District – Bhojpur.

.... Petitioner

Versus

1. The State of Bihar, Through The Secretary, Department of Excise,
Government of Bihar, Patna.
2. The Excise Commissioner, Prohibition Excise and Registration
Department, Government of Bihar, Patna.
3. The District Transport Officer
4. The District Magistrate cum Collector, Ara.
5. The Superintendent of Police, Ara.
6. The Police Inspector cum Officer-in-Charge, Police Station Chauri,
Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha (GA-1)

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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 Platina Motorcycle bearing Reg.No.BR-56B-0859,
Chassis No.MD2A76AZ4GRF 81246, Engine No.PFZRGF 05950
which has been seized in connection with Chauri P.S. Case No.44



of 2017, registered for the offence under Section 30(A) of the Bihar Prohibition and Excise Act for recovery of two and half liters 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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