

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2232 of 2018

Arising out of Siwan Muffasil P.S. Case No.426/18, District-Siwan

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Mukesh Kumar Son of Vinod Prasad, Resident of Village- Kaptanganj, Subhash Chauk, P.S.- Kushinagar, District- Kushinagar, at present H. No. A-19, Phase-1, Siddharth Enclave, Taramandal, Gorakhpur, Utter Pradesh.

.... Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Collector cum District Magistrate, Siwan, District- Siwan.
3. The Superintendent of Police, Siwan, District- Siwan.
4. The S.H.O. cum Officer in Charge, Siwan Muffasil P.S., District- Siwan.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Respondent/s : Mr. Vivek Prasad (GP-7)

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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 Ford Eco Sport Car bearing Reg.No.UP53CR2373, Chassis No.MAJAXXMRKAHA76352, Engine No.HA76352, which has been seized in connection with Siwan Muffasil P.S. Case No.426 of 2018, registered for the offence under Sections 272, 273, 279 and 337 of the I.P.C. and Sections 30(a)/38(i) of the Bihar Prohibition and Excise Act for recovery of 180 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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