

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2210 of 2018

Arising Out of PS. Case No.-383 Year-2018 Thana- BODHGAYA District- Gaya

Abhishek Raj S/o Naresh Prasad Yadav, R/o Vill.- Hanuman Nagar, Near
Chandauti Lock, P.S.- Rampur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Registration, Excise And Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate Cum Collector , Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Excise Superintendent, Gaya.
5. The Officer In Charge, Bodh Gaya P.S., District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Respondent/s : Mr. Anil Kumar Sinha (Ga1)

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
Motorcycle Bajaj Pulsor bearing Registration No. BR02-AL-6807
which has been seized in connection with Bodh Gaya P. S. Case No.
383 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 10 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.

In view of the views expressed by the Hon'ble Division Bench of this Court, pending initiation/finalization of confiscation proceeding, 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 District Magistrate, Gaya. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Gaya 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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