

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2244 of 2018

Arising Out of PS. Case No.-547 Year-2018 Thana- NAWADA District- Nawada

Vinod Kumar S/o Budhan Choudhary, R/o Vill.- Sanokhara, Post- Derma,
P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department ,
Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Superintendent of Police, Nawada.
4. The O/C Nagar, P.S., Nawada.
5. Baijnath Prasad, Assistant Sub-Inspector, Nagar P.S., Nawada.

... .. Respondent/s

Appearance :

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

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 TVS Apache Motorcycle bearing Chasis No.
MD534BE46J2A56454, Engine No. BE4AJ2954478 which has been
seized in connection with Nagar P. S. Case No. 547 of 2018
registered for the offence under Section 30 (a) of the Bihar
Prohibition & Excise Act for recovery of 4.8 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.

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, pending initiation/finalization of confiscation proceeding, 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, Nawada. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Nawada 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 the undertakings as indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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