

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2251 of 2018

Arising Out of PS. Case No.-29 Year-2018 Thana- SHEKHPURA District- Sheikhpura

Prince Kumar @ Rajesh Kumar S/o Naresh Chaudahry @ Gore Chaudhary,
R/o Vill.- Jamalpur Bigha, P.S. and District- Sheikhpura.

... .. 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 , Sheikhpura.
3. The Superintendent of Police, Sheikhpura.
4. The Excise Superintendent , Sheikhpura.
5. The Officer In Charge , Sheikhpura Police Station, District- Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Respondent/s : Mr. Anil Kumar Sinha

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 Pular bearing Registration No. BR-52B-7054 which has been seized in connection with Sheikhpura P. S. Case No. 29 of 2018 registered for the offence under Sections 272, 273, 188 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition & Excise Act for recovery of 22.5 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, Sheikhpura. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Sheikhpura 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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