

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2440 of 2018

Arising Out of PS. Case No.-290 Year-2018 Thana- RAMPUR District- Gaya

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Raju Kumar Goswami son of Arjun Goswami, Resident of Mohalla- Ekbal
Nagar, Ramshila More, Police Station- Kotwali, 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, Rampur Police Station, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Respondent/s : Mr. Kumar Manish (Sc 5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the
vehicle (Mahindra Supro Maxi) bearing registration no. BR-
02GB-1167, which has been seized by the police in connection
with Rampur P. S. Case No. 290 of 2018 for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 427.800 liters of illicit liquor have
been recovered 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 more than 30 liters, pending initiation/finalization of confiscation proceeding, this Court would direct provisional release of the vehicle in question on furnishing two sureties along with a bank guarantee for the value of the vehicle in question as indicated in the insurance document to the satisfaction of the District Magistrate, Gaya.

The order of provisional release is, however, subject to the further undertakings to be submitted by the petitioner before the District Magistrate, Gaya as follows:

(i) That the vehicle in question is not involved in any other offence of similar nature in past and shall not be involved in the nature of the offence in future.

(ii) That the petitioner shall not create any third party right or interest in respect of the vehicle in question.

(iii) That the petitioner shall produce the vehicle as and when required by the learned court below/authority concerned.

Prior to release of the vehicle a Panchnama shall be prepared which will be kept on record for future use in course of



trial.

The vehicle be released within one week from the date of furnishing surety and the undertakings as indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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