

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2316 of 2018

Arising Out of PS. Case No.-72 Year-2017 Thana- AMBA District- Aurangabad

Shailendra Kumar Paswan S/o Sukul Paswan, R/o Vill.- Pachaukhad, P.S.-
Deo, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Secretary Department of Excise Government of Bihar Patna.
2. The District Magistrate Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Officer In Charge, Amba P.S., District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Leelawati Kumari
For the Respondent/s : Mr. Anil Kumar Sinha (Ga-1)

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.

Petitioner has prayed for release of the vehicle Hero
Honda Motorcycle bearing registration no. CG10-EK-4794,
which has been seized by the police in connection with Amba P.
S. Case No. 72 of 2017, District - Aurangabad, for the offence
under Section 30(a)/38(A) of the Bihar Prohibition and Excise
Act, 2016.

It is alleged that 70 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 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, Aurangabad. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Aurangabad 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 along with the Bank Guarantee



and undertakings as indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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