

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.2645 of 2018**

Arising Out of PS. Case No.-348 Year-2018 Thana- SAHEBGANJ District- Muzaffarpur

Vishal Kumar S/o Vijay Kumar Singh Resident of Village-Basantpurpatti,  
Ward No.11, Rewa Road (Near Middle School)P.S. Saraiya,Distt.-  
Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Excise Department,  
Government of Bihar, Patna
2. Collector ,Muzaffarpur
3. Sinior Superintendent of Police, Muzaffarpur
4. The Excise Superintendent ,Muzaffarpur
5. Officer- in -Charge,Sahebganj Police Station,Muzaffarpur

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar @ S.K.  
For the Respondent/s : Mr. Anil Kumar Sinha (Ga1)

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      05-11-2018                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

Petitioner has prayed for provisional release of the  
vehicle (Bolero Jeep) bearing registration no. BR06PD- 5515,  
which has been seized by police in connection with Sahebganj  
P. S. Case No. 348 of 2018 for the offence under Sections 272,  
273/34 of the Indian Penal Code and Sections 30(a) / 41 of the  
Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per  
allegations made in the Police case, 88 liters Indian Made  
Foreign Liquor has been recovered by the Police.



Learned counsel for the petitioner submits that no confiscation proceeding has been initiated as regards the vehicle in question.

Learned counsel for the State is present and submits that he has no instruction regarding the confiscation proceeding with respect to the vehicle in question.

Considering the facts and circumstance of the case wherein it appears that no confiscation proceeding has been initiated with respect to the vehicle in question and the petitioner has no other alternative remedy except to move this Court under Article 226 of the Constitution of India, in view of the views expressed by the Hon'ble Division Bench of this Court, 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 court below and shall furnish an undertaking to the effect that he will not deal with the vehicle in question in any manner whatsoever during pendency of the case and shall produce the vehicle as and when required before the court/authority concerned.

On the petitioner filing a copy of the document of the registration and ownership of the vehicle in his favour and upon



his furnishing the aforesaid terms and conditions, the vehicle in question shall be released within a week from the date of the filing of the surety bond.

The application stands disposed off.

**(Rajeev Ranjan Prasad, J)**

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