

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1214 of 2018

Arising Out of PS. Case No.-727 Year-2017 Thana- AHIAPUR District- Muzaffarpur

Chandan Kumar Singh, Son of Bishwanath Singh, Resident of Village-
Pakauli, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise.
2. The Principal Secretary Excise, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Superintendent of Police, Muzaffarpur.
5. The Excise Superintendent, District- Muzaffarpur.
6. The Officer-in- Charge, Police Station- Ahiyapur, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anita Kumari Singh, Advocate
For the Respondent/s : Mr. Vikash Kumar (SC11)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 25-07-2018 This Court had while considering the fact that the vehicle was carrying 24 bottles of illicit liquor containing 375 ml. each and 21.3 kg Ganja but it was lying under open sky and was losing its road worthiness, called upon learned counsel for the petitioner to come with an instruction as to whether the petitioner would be willing to deposit a security in the form of cash to the extent of the value of the vehicle based on insurance document.

Learned counsel for the petitioner has informed this Court that the petitioner would not be agreeing to such conditions. The petitioner may furnish only surety not in the form of cash.



This Court having gone through the nature of materials available on the record which shows huge commercial quantity of Ganja recovered from vehicle and the petitioner is not willing to provide the security as required by this Court, is not willing to pass order for release. It appears from the order dated 04.11.2017 passed by the Collector-cum-District Magistrate, Muzaffarpur that a confiscation proceeding has already been initiated. Learned counsel for the State is presently not having instruction to say as to whether the said confiscation proceeding has ultimately culminated or not. It is expected that the Collector-cum-District Magistrate, Muzaffarpur shall conclude the confiscation proceeding, if not already concluded, in accordance with law within a period of one month from the date of receipt/production of a copy of this order.

The writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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