

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2837 of 2017

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Munna Paswan, Son of Hari Paswan, Resident of Village- Sarkanda, P.S.-
Govindpur, District- Nawada.

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Excise Department Bihar, Patna.
2. The Divisional Commissioner, Excise Department Patna Division at Patna.
3. The District Collector, Nawada.
4. The Superintendent of Police, Nawada.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Respondent/s : Mr. Vivek Prasad (Gp-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3. 16-02-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner has prayed for release of the vehicle Mahindra Maxximo UX Van bearing registration no. BR-27B-9943 in favour of the petitioner in connection with Roh P.S. Case No. 11/2017 for the offences under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner relies upon a Division Bench order of this Court in L.P.A. No. 1647 of 2015 and order dated 29.08.2017 passed in Cr.W.J.C. No. 1289 of 2017 by a co-ordinate Bench of this Court and submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this



Court. The vehicle in question was allegedly carrying illicit liquor in two bags containing 200 pouches each contain 200 ml. and in second bag 222 pouches each contains 200 ml.

Having considered the submissions advanced on behalf of the parties, pending finalization or initiation of the confiscation proceeding, let the vehicle, if belongs to the petitioner, be released provisionally on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

(i) Petitioner shall furnish a surety bond of Rs. 5,00,000/- (Five Lakhs only) in form of Bank guarantee or the original title deed of an immovable property lying within the jurisdiction of the court or any other security of like nature to the satisfaction of the learned Court below or the Collector cum District Magistrate, Nawada, as the case may be.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with them adverse to the interest of the State and shall produce the vehicle before the court below and/or the Collector-cum-District Magistrate, Nawada, as and when



directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared, certified and be kept on record in accordance with law.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

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