

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2663 of 2017

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Mina Kumari D/o Nagendra Manjhi, R/o Village- Siyarampur, P.S.-
Paliganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Department of
Excise, Government of Bihar, Patna.
2. The Superintendent of Police, Patna.
3. The Station House Officer, Ranitalab Police Station, Ranitalab, District-
Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Mistry

For the Respondent/s : Mr. Kumar Manish (Sc 5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 05-01-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner has prayed for release of the
vehicle Hero Honda Motorcycle Splendor Plus bearing
Chassis No. MBLHA10CGHHB84840 in favour of the
petitioner in connection with Special Case No. 1829/2017
arising out of Rani Talab P.S. Case No. 82/2017 for the
offences under Sections 273, 290 of the Indian Penal Code
and under Section 30(A) of Bihar Excise Act, 2016.

Learned counsel for the petitioner relies upon
a Division Bench order of this Court dated 17.05.2016
passed L.P.A. No. 1647/2015 and order dated 29.08.2017



passed in Cr.W.J.C. No. 1289 of 2017 and submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court. The Motorcycle was allegedly carrying three litres of illicit Mahua wine.

Let the vehicle if belong to the petitioner be provisionally released 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. 50,000 (fifty thousand only) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of the District Magistrate, Patna.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with it adverse to the interest of the State and shall produce it before the Collector-cum-District Magistrate, Patna as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared and



kept on record.

It shall be subject to result of the decision in LPA No.1647 of 2015 where a question as to whether the Collector can pass an order of confiscation is pending consideration.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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