

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2681 of 2017

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Renu Devi W/o Ajay Paswan, R/o Village- Manpur, P.O.+P.S.-
Buniyadganj, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through The Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Gaya District - Gaya.
4. The District Magistrate/Collector Gaya District- Gaya.
5. The Excise Superintendent of Gaya District- Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

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 Tempoo bearing registration no. BR-2PA-1073 in favour of the petitioner in connection with Buniyadganj P.S. Case No. 173/2017 under Section 30(A) of Bihar Excise Act, 2016.

Learned counsel for the petitioner relies upon a Division Bench order of this Court passed in L.P.A. No. 1647 of 2015 and the order dated 19.09.2017 passed in CWJC No.13670 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 vehicle in question was being used for



huge quantity of illicit liquor. Let the vehicle if belongs 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) Deviating from the normal condition to furnish surety bond and two sureties, this Court directs that the petitioner shall furnish a security in form of a Bank guarantee or deposit of title deeds of immovable property or any other security of like nature valued at Rs. 1,90,000/- (One lakh ninety thousand only) to the satisfaction of the District Magistrate, Gaya.

(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, Gaya 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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