

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2107 of 2018

Arising Out of PS. Case No.-90 Year-2017 Thana- PATEPUR District- Vaishali

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Md. Alam S/o Md. Shafique, R/o Vill.- Teknari, P.S.- Patepur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Department of Prohibition & Excise, Government of Bihar, Patna.
2. The District Magistrate Cum Collector, Vaishali at Hajipur.
3. The Superintendent of Police, Vaishali at Hajipur.
4. The Station House Officer, Patepur P.S., District- Vaishali.
5. The Superintendent of Excise, Vaishali at Hajipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Md.Imteyaz Ahmad
For the Respondent/s	:	Mr. Anil Kumar Sinha (Ga-1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-10-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Bolero Pick Up Van bearing registration no. BR-AM-8153, which has been seized by the police in connection with Patepur P. S. Case No. 90 of 2017, District - Vaishali, for the offence under Sections 30(a), 32 (ii) and 41 (i) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 1015.425 liters of illicit liquor have been recovered from the vehicle in question.

Learned counsel for the petitioner submits that the



petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court for provisional release of the vehicle in question.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit liquor being more than 30 liters, pending initiation/finalization of confiscation proceeding, this Court would direct 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 District Magistrate, Vaishali. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Vaishali that during the pendency of the confiscation proceeding he would not deal with the vehicle in question and shall not create any kind of encumbrance whatsoever and no third party right or interest shall be created. He would also undertake to produce the vehicle in question as and when required by the authority concerned and further that the vehicle is not involved in offence of similar nature in past and shall not be involved in any offence of like nature in future.

Let the vehicle be released within a week after



submission of the two sureties along with the Bank Guarantee
and the undertakings as indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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