

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2746 of 2017

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Namit Kumar Sinha @ Navanit Kumar Sinha, son of Sri Madan Prasad Sinha, resident of Village-Mohalla-Gardanibagh, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary Excise Dept. Govt. of Bihar, Patna
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police, Patna (East).
5. The Police Inspector, Didarganj Police Station, Danapur, patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Pd. Singh

For the Respondent/s : Mr. Vikash Kumar (SC-Xi)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 08-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle City Honda bearing Reg. No. BR52-3105 which has been seized by the police in connection with Didarganj P.S. Case No.187 of 2016 for the offence under Sections 47A/54) of the Bihar Prohibition and 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 submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court.

Deviating from the normal condition for release of



the vehicle, considering the huge quantity of the alleged illicit liquor recovered from the vehicle in question, let the vehicle of 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 security in form of a bank guarantee or deposit of title deeds of immovable property situated within the jurisdiction of the concerned court/authority or any other security of like nature valued at Rs. 10,00,000/- (ten lacs) to the satisfaction of court below or the authority concerned.

(ii) The petitioner shall also give an undertaking that he will not deal with the vehicle in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State, he will not use the vehicle for any illegal purpose and as and when required, he will produce the vehicle in question before the competent court/authority.

(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 an executive can pass an order of confiscation is pending consideration.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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