IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2814 of 2017

==========

Ratnesh Kumar S/o Surendra Sah, R/o Village- Rewasi (Dhanukhi), P.S.- Riga, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar Through The District Magistrate, Sitamarhi.
2. The Superintendent of Police, Sitamarhi.
3. The Superintendent of Excise, Sitamrhi.
4. The Superintendent of Police, Sitamarhi.
5. The S.H.O. of Kanahauli Police Station, District- Sitamarhi.

.... Respondents

==========

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

==========

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 30-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the Motorcycle vehicle bearing registration no. BR-30M-3495 in favour of the petitioner in connection with Confiscation Case No. 125 of 2017 arising out of Kanahauli P.S. Case No. 103/2016 for the offences under Sections 30(a) of Bihar Prohibition and Excise Act, 2016, pending in the court of learned Collector, Sitamarhi.

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

WEB COPY

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 50 bottles of Nepali Wine 180 ml. each and 12 bottles each containing 375 ml. were recovered.

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. 40,000/- (Rupees Forty Thousand 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, Sitamarhi, 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, Sitamarhi, as and

WEB COPY

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.)

Rajeev/-

U		T	

WEB COPY