

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2835 of 2017

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Virendra Kumar Singh @ Birendra Kumar Singh, son of late Brij Mohan Singh, resident of village – Ladaura, P.S. – Kalyanpur, District – Samastipur.

.... Petitioner

Versus

The State of Bihar Through The Principal Secretary, Registration, Excise & Prohibition Department, Government of Bihar, Patna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

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 Tractor New Holland – 4010 bearing registration no. BR33M-2130 in favour of the petitioner in connection with Kalyanpur P.S. Case No. 73 of 2017 for the offences under Sections 272, 273 of the Indian Penal Code and 30/38 of Bihar Excise Amendment Act, 2016.

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 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 15 cartoons Royal Green 360 Bottles wine each containing 375 ML. as total 135 liters foreign wine.

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. 5,00,000/- (Five lakhs 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 A.D.J.-II cum Special Judge, Excise Act, Samastipur or the District Magistrate, Samastipur 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, Samastipur as and when directed.

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record in accordance with law.

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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