

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2838 of 2017

=====

Sharwan Kumar, Son of Late Ramdev Mahto, Resident of Village-
Gopalpur, P.S.- Pakriwaravan, District- Nawada.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Excise Department ,
Patna, Bihar.
2. The Collector/ District Magistrate, Nawada.
3. The Senior Superintendent of Police, Nawada.
4. The Police Inspector cum O/C, Rajauli P.S. District- Nawada.
5. The Police Sub- Inspector Amanullah Khan, Rajauli Police Station,
Nawada.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Respondent/s : Mr. Vikash Kumar (Sc-11)

=====

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
Tata Sumo Victa bearing registration no. JH05K-6203 in
favour of the petitioner in connection with Rajauli P.S. Case
No. 76/2017 for the offences under Sections 30(a) of Bihar
Prohibition and Excise 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 Jharkhand made 500 pieces of 200 ml. each country made masaledar 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. 6,00,000/- (Six 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 Court below or the Collector cum District Magistrate, Nawada 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, Nawada, as and 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.

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/-

U		T	
---	--	---	--

