

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.363 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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1. Indradev Chaudhary, S/o Karu Chaudhary, R/o Pirinda, P.S.-Sikandara, Distt.-Jamui.

.... Petitioner/s

Versus

1. State of Bihar Through Secretry Department of Excise Bihar, Patna
2. Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate Cum Collector, Nalanda at Biharsharif
4. The Superintendent of Police, Nalanda at Biharsharif,
5. The Station Head Officer, Giriak P.S.,Giriak, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Respondent/s : Mr. Vivek Prasad, GP7

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 08-05-2018

Let the defects in question be ignored.

Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle (Hero Pro Motorcycle) bearing registration no. BR53D-0620 in favour of the petitioner in connection with Giriak P.S. Case No. 255/2017 for the offences under Section 30/37 of Bihar Prohibition and Excise Act, 2016.

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 the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle, if



belongs to the petitioner, be released provisionally within a week 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. 60,000/- (Six Thousand only) (not in form of cash or Bank guarantee) with two sureties of the like amount to the satisfaction of the Collector-cum-District Magistrate, Nalanda at Biharsharif.

(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, Nalanda at Biharsharif, 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.

This application is, accordingly, disposed off.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	
CAV DATE	
Uploading Date	09.05.2018
Transmission Date	09.05.2018

