

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.220 of 2018

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Jai Prakash Mandal, S/o Gaivi Mandal, AT+P.O. - Digghi, P.S.- Nath
Nagar, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Bhagalpur, District- Bhagalpur.
4. The District Magistrate/Collector Bhagalpur, District- Bhagalpur.
5. The Excise Superintendent of Bhagalpur, District - Bhagalpur.
6. The Officer In Charge of Nath Nagar, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta

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

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 29-03-2018 It is the submission of the learned counsel for the

petitioner that nothing has been recovered from the vehicle in

question and, therefore, in terms of Section 56 of the Bihar

Prohibition and Excise Act, 2016, the vehicle is not liable to be

seized or confiscated. He also submits that presently no

confiscation proceeding is pending in this matter.

In the facts and circumstances, let the vehicle i.e.

Bajaj Decover ES Motorcycle bearing Reg. No. BR-10Q-7556,

which has been seized by the police in connection with Nath

Nagar (Madhusudanpur) P.S. Case No.669 of 2017, District-

Bhagalpur for the offence under Sections 30(A),37(c) of the Bihar



Prohibition and Excise Act, 2016, be released provisionally within one week from the date of production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

- (i) Petitioner shall furnish surety bond of Rs.60,000/- (sixty thousand) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Bhagalpur/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) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and panchnama of the vehicle in question shall also be prepared and keep the same on record which may



be used as secondary evidence.

(iv) Petitioner undertakes not to challenge the said photograph and panchnama so prepared in his presence at the time of release of vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

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