

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.6 of 2018

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Menka Kumari, wife of Amrendra Kumar, D/o Krishan Nandan Paswan,
resident of village-Harnaut, P.S.-Harnaut, District-Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Excise Department,
Government of Bihar, Old Secretariat, Patna
2. The District Magistrate, Nalanda at Biharsharif.
3. The Superintendent of Police, Nalanda at Biharsharif.
4. The District Supply officer, Nalanda at Biharsharif.
5. The S.H.O., Harnaut, District-Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 06-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Scorpio bearing Reg.No.BR-21P/1223, Engine No.TDG4A75035,
Chesis No.MAIT2TDKG213319, which has been seized by the
police in connection with Harnaut P.S. Case No.385 of 2017,
District-Nalanda for the offence under Section 290 of the Indian
Penal Code and Section 37 of the Bihar Prohibition and Excise
Act, 2016.

It is submitted that no illicit liquor has been
recovered from the vehicle in question. It is further submitted that
no confiscation proceeding has been initiated as yet.



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.

Let the vehicle of the petitioner be provisionally released on production of proof of ownership and registration of the vehicle in his favour subject to the following conditions:-

- (i) Petitioner shall furnish surety bond of Rs.5,00,000/- (five lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of court below or the 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)

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