

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.253 of 2018

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Ramu Mahto, S/o Ram Vilash Mahto, R/o Village- Bhasar Vheriar Tola,
Ward No. 07, P.S.- Sitaamrhi, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar, Through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Collector/District Magistrate- Sitamarhi, District- Sitamarhi.
3. The Excise Deputy Commissioner, Sitamarhi.
4. The Superintendent of Police, Sitamarhi.
5. The Superintendent of Excise, Sitamarhi.
6. The Manish Sarraf, Assistant Inspector Excise, Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar
For the Respondent/s : Mr. Vivek Prasad (GP 7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-03-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Tempo bearing Reg. No. BR30P/5970, which has been seized by the police in connection with Excise Case No.C2-55 of 2017, District- Sitamarhi for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 30 liters of Nepali Saufi wine have been recovered from the vehicle in question.

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.

Learned counsel for the State files counter affidavit. Let the same be kept on record.

Considering the facts and circumstances, pending initiation or finalization of confiscation proceeding, let the vehicle of the petitioner 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 a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the court below/authority concerned or any other security of like nature valued at Rs. 2,50,000/- (two lakhs fifty thousand) to the satisfaction of District Magistrate, Sitamarhi/authority concerned.

(ii) The petitioner shall also give an undertaking that she 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, she will not use the vehicle for any illegal purpose and as and when required, she 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 her 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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