

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.570 of 2018

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Abhishek Kumar, Son of Rajendra Prasad, Resident of Harisabha Chowk,
Near devi Mandir, P.O.-Ramna, P.S. Town Muzafarpur, District
Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Rohtas at Sasaram.
3. The Superintendent of Police, Rohtas at Sasaram
4. The Deputy Superintendent of Police, Rohtas at Sasaram.
5. The District Excise Officer, Rohtas at Sasaram.
6. The Officer-In-Charge, Sasaram (Muffasil) Police Station, District
Rohtas at Sasaram.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 16-03-2018

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

Petitioner has prayed for release of the
vehicle (Motorcycle) bearing registration no.
BR06AK8894 in favour of the petitioner in connection
with Sasaram (Muffasil) P.S. Case No. 1590/2017 for the
offences under Section 37(b) of Bihar Prohibition and
Excise Act, 2016. Learned counsel for the petitioner
submits that nothing has been recovered from the
Motorcycle in question. The driver was caught in drunken
condition. No confiscation Proceeding need to have
initiated.

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 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 learned Court below or the Collector-cum-District Magistrate, Rohtas at Sasaram, 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, Rohtas at Sasaram, 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 Ranjan Prasad, J.)

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