

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.428 of 2018

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Bhushan Singh S/o Garui Shankar Singh, R/o Village- Shankardih , P.S.-
Parwalpur, District- Nalanda.

.... Petitioner

Versus

1. The State of Bihar Through Principal Secretary Excise Department, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The District Transport Officer, Nalanda.
5. The Officer in Charge Asthawan, P.S.- Asthawan , District- Nawada.

.... Respondents

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr. Vivek Prasad (Gp 7)

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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 (Truck) bearing registration no. BR-21H-5567 in
favour of the petitioner in connection with Aungari P.S.
Case No. 74/2017 for the offences under Sections 270,
290 of the Indian Penal Code and Section 37(B) of Bihar
Prohibition and Excise Act, 2016. It is stated that no
recovery has been made in the truck in question. The
driver of the Truck was in drunken condition.

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. 15,00,000/- (Fifteen Lakhs 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, Nalanda, 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, Nalanda, 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.)

Rajeev/-

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