

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.324 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- MUZAFFARPUR

=====

Rafi Ahamad Siddiqui, son of Izharul Haque R/o – Siddiqui Manzil, Bishunpur
Giddha, P.O. – Susta, P.S. – Maniyari, District – Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Excise Department
2. The District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur
4. The S.H.O. Town Police Station, District - Muzaffarpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj

For the Respondent/s : Mr. Vikash Kumar, SC-11

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 20-04-2018

It is stated that the petitioner is the owner of the vehicle in question, he is not an accused in this case but his vehicle has been seized only because two persons who were boarding the said vehicle were found in drunken condition. There is no recovery of illicit liquor from the vehicle in question.

Learned counsel for the State is present, he submits that a counter affidavit is being filed in this case, however does not dispute the contention of the petitioner that no illicit liquor was found from the vehicle in question.

In the facts and circumstances, let the aforesaid vehicle (Scorpio) bearing Registration No. BR06PA-7608 of the petitioner, which has been seized in connection with Town P.S. Case No. 960 of 2017, 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.7,00,000/- (Seven Lakhs thousand) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of the District Magistrate, Muzaffarpur.

(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.

It is made clear that before initiation of any confiscation proceeding the District Magistrate shall consider the preliminary issue as to whether in view of Section 56 of the Bihar Prohibition and Excise Act, 2016 a confiscation proceeding may be initiated in respect of a vehicle from which



there is no recovery of illicit liquor.

The application stands disposed of.

Rajeev/-

(Rajeev Ranjan Prasad, J.)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.04.2018
Transmission Date	24.04.2018

