

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.653 of 2018

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Ganesh Rikiyasan, son of Devaki Rikiyasan, Resident of Village- Jaspur,
P.S.- Amas, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Superintendent of Police, Aurangabad.
4. The Officer-in- Charge, Madanpur Police Station, District- Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Leelawati Kumari

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the Thela, which has been seized by the police in connection with Madanpur P.S. Case No.243 of 2017, District-Aurangabad for the offence under Sections 30(a)/37(b) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 20 liters of Mahuwa liquor has been recovered from the Thela.

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 Thela in question.



Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the Thela of the petitioner be released provisionally within one week subject to the following conditions:-

(i) Petitioner shall furnish surety bond (not in form of bank guarantee or cash) with two sureties to the satisfaction of District Magistrate, Aurangabad/authority concerned.

(ii) The petitioner shall also give an undertaking that he will not deal with the Thela 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 Thela for any illegal purpose and as and when required, he will produce the Thela 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 Thela in question shall also be prepared and keep the same on record which may be used as secondary evidence.



(iv) Petitioner shall undertake not to challenge the said photograph and panchnama so prepared in his presence at the time of release of Thela 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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