

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.994 of 2018

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Niraj Kumar Singh @ Niraj Singh @ Bhim Singh, Son of Late Mukhram Singh, resident of Village- Tetaria, Police Station- Mufassil, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government, of Bihar, Patna.
2. The Collector-cum-District District Magistrate, Bhojpur.
3. The Superintendent of Police, Bhojpur.
4. The S.H.O. Barhara (Krishnagarh), Police Station, Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rahul Nath

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-05-2018 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has prayed for release of the vehicle Motorcycle bearing Reg. No. BHR1BK0428, which has been seized by the police in connection with Barhara P.S. Case No.175 of 2017, District-Bhojpur for the offence under Section 414 of I.P.C. and Sections 30(A), 56(D) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that so far as the present vehicle is concerned, there is no recovery of illicit liquor. The allegation is that the petitioner was escorting another



vehicle from which recovery has been made.

Learned counsel for the State submits that the confiscation notice was issued in this case as back as in August, 2017.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be released provisionally, if not already auction sold, 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 surety bond of Rs.60,000/- (sixty thousand) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Bhojpur/authority concerned.

(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 shall undertake 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.

The application stands disposed of.

Arvind/-

(Rajeev Ranjan Prasad, J)

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