

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1494 of 2018

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Kasendar @ Kasendar Mukhiya, S/o Bikao Mukhiya resident of Koraihiya, P.S.- Jaynagar, District- Madhubani at Present R/o House No. B-103, Near Bohra Pubic School, Bhagat Singh Colony, P.S. Ballabhgarh, District- Faridabad (Haryana).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Superintendent of Excise, Madhubani.
4. The Officer-in-Charge, Kaluahi, P.S. District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.
For the Respondent/s : Mr. Vivek Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle motorcycle bearing Reg. No. BR32V-5595, which has been seized by the police in connection with Kaluahi P.S. Case No. 36 of 2018 and GR No. 259/2018 District- Madhubani for the offence under Sections 272, 273/34 of the I.P.C and Section 30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 400 ML Chulai country made liquor has been recovered from the vehicle in question.

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.

Considering the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle of the petitioner be released provisionally 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 (not in form of bank guarantee or cash) for the value of the vehicle in question as indicated in the insurance document with two sureties of the like amount to the satisfaction of District Magistrate, Madhubani/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.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha/Ved

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