

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2666 of 2017

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1. Gopal Mandal S/o Mantu Manda R/o Dumari, P.S. Tikapatti, Distt. Purnia.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Excise Department, Patna, Bihar
2. The District Magistrate Katihar.
3. The Superintendent of Police, Katihar.
4. The S.H.O. Kursela, Police Station, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Respondent/s : Mr. Vikash Kumar (Sc-11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 05-01-2018 Heard learned counsel for the petitioner and
learned counsel representing the State.

Petitioner has prayed for release of the
vehicle Motorcycle bearing registration no. BR-39S-3217
in favour of the petitioner in connection with Kursela P.S.
Case No. 122 of 2017 for the offences under Sections 272,
273 of the Indian Penal Code and under Section 30(A) of
Bihar Excise Act, 2016.

Learned counsel for the petitioner relies upon
a Division Bench order of this Court in L.P.A. No.
1647/2015, the order dated 19.09.2017 passed in CWJC
No.13670 of 2017 and the order dated 29.08.2017 passed



in Cr.W.J.C. No. 1289/2017 and submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court. The Motorcycle in question was allegedly carrying 20 liters of illegal Mahua wine.

Let the vehicle if belong to the petitioner 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 a surety bond of Rs. 50,000 (fifty thousand only) as has been ordered in Cr.W.J.C. No. 1289/2017, with two sureties of the like amount to the satisfaction of the District Magistrate, Katihar.

(ii) Petitioner shall furnish an undertaking that he would not alienate or encumber the vehicle or deal with it adverse to the interest of the State and shall produce it before the Collector-cum-District Magistrate, Katihar as and when directed.

(iii) A photograph of the vehicle shall be



taken and panchnama be also prepared and kept on record in accordance with law.

It shall be subject to result of the decision in LPA No.1647 of 2015 where a question as to whether the Collector can pass an order of confiscation is pending consideration.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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