

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2764 of 2017

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Umesh Kumar Soni, S/o Rajendra Prasad Swarnkar @ Rajendra Prasad Swarn, Resident of Birpur Chouk Bathnaha, P.S Jogbani (Bathnaha), District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, the Department of Excise, the Government of Bihar, Patna.
2. The District Magistrate cum Collector, Araria.
3. The Superintendent of Police, Araria.
4. The Deputy Superintendent of Police, Forbesganj, Araria.
5. The Station House Officer, Jokihat P.S. & District- Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh
For the Respondent/s : Mr. P.N. Shahi (AAG6)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Scorpio bearing Reg. No. BR-38D-9828 which has been seized by the police in connection with Jokihat P.S. Case No.292 of 2017 for the offence under Section 273/34 of the Indian Penal Code and Section 30(a), 38(1) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that no confiscation proceeding has been initiated in respect of the said vehicle so far.



Learned counsel for the State submits that huge quantity of liquor has been recovered from the vehicle in question, therefore, it may be released on submission of bank guarantee or any other security of like nature.

Considering the facts and circumstances particularly the fact that the vehicle in question was used for carrying huge quantity of illicit liquor, let the vehicle of the petitioner be released provisionally on production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

(i) Petitioner shall furnish a security in form of a bank guarantee or deposit of title deeds of immovable property or any other security of like nature valued at Rs. 5,00,000/- (five lacs) (since the vehicle is of 2012) to the satisfaction of court below or the 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) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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