

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2690 of 2017

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1. Manisha Singh @ Manisha Kumari, W/o Bablu Singh, R/o Vill- Jurkan,
P.S.- Hussainganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise, Government of Bihar, Patna.
2. The Principal Secretary, Excise, Government of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The Excise Superintendent, Department of Excise, Siwan.
6. The Officer in charge, Mairwa, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey
For the Respondent/s : Mr. Anil Kumar Sinha (Ga1)

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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 Bolero vehicle bearing registration no. BR-29PA-0795 in favour of the petitioner in connection with Mairwa P.S. Case No. 222/2017 for the offences under Section 37(B) of the Bihar Excise and Prohibition Act, 2016. It is stated that no liquor has been seized from the vehicle.

Learned counsel for the petitioner relies upon a Division Bench order of this Court in L.P.A. No. 1647/2015 and 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 passed by a co-ordinate Bench of this Court and submits that the petitioner is ready and willing to abide by the terms and conditions which may be imposed by this Court.

Considering the facts and circumstances, let the vehicle if belongs 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 (not in form of cash or Bank guarantee) with two sureties of the like amount valued at Rs. 6,00,000/- (Six lakhs only) to the satisfaction of the District Magistrate, Siwan.

(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, Siwan as and when directed.

(iii) A photograph of the vehicle shall be



taken and panchnama be also prepared and kept on record.

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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