

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2751 of 2017

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Rajeev Kumar, son of Jyotilal Rai, resident of Mohalla Dighi Kala East,
Ward No. 9, P.S. Hajipur Sadar, Dist : Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The Superintendent of Police, Vaishali.
4. The Station House Officer, Police Station Hajipur Sadar, Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand

For the Respondent/s : Mr. Anil Kumar Sinha (GA1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 08-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Glamour Motorcycle bearing Reg. No. BR31AA-9032, Chasis
No.MBLJAR025HGJ00962 and Engine No.JA06ERHGJ01214
which has been seized by the police in connection with Hajipur
Sadar P.S. Case No.530 of 2017 for the offence Section 30A of the
Bihar Prohibition and Excise Act, 2016. It is alleged that only one
bottle of 750 ml of foreign liquor of Royal Stag was recovered
from the said vehicle. The petitioner is not even the accused of the
case. However, his vehicle being Glamour Motorcycle bearing
Reg. No. BR31AA-9032 has been seized.



Learned counsel for the petitioner relies upon a Division Bench order of this Court in LPA No.1647 of 2015 and other orders passed by a coordinate 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.

Let the vehicle of the petitioner be released provisionally on production of proof of ownership and registration of the vehicle subject to the following conditions:-

(i) Petitioner shall furnish surety bond of Rs.50,000/- (fifty thousand) (not in form of bank guarantee or cash) with two sureties of the like amount 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.

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

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Arvind/-

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