

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.368 of 2018

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

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1. Karan Kumar, Son of Brahamdev Paswan, Resident of Village- Sohe, P.S.-
Jehanabad (Karauna O.P.), District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar Through The Secretary, Department of Excise, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Police, Gaya.
4. The Officer-in-Charge, Barachatti Police Station, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 20-04-2018

Learned counsel for the petitioner is permitted to make necessary correction in the description of respondent no. 2 & 3 in the writ application in course of the day.

Petitioner has prayed for release of the vehicle (Bolero) bearing registration no. BR-25P-8777 in favour of the petitioner in connection with Barachatti P.S. Case No. 261/2017 for the offences under Section 30(a) of Bihar Prohibition and Excise Act, 2016. It is submitted that 87.5 litres of 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.



In the facts and circumstances, pending initiation or finalization of the confiscation proceeding, let the vehicle, if belongs to the petitioner, be released provisionally 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. 6,00,000/- (Six Lakhs only) in form of Bank guarantee or the original title deed of an immovable property lying within the jurisdiction of the court or any other security of like nature to the satisfaction of the learned Court below or the Collector cum District Magistrate, Gaya, as the case may be.

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

(iii) A photograph of the vehicle shall be taken and panchnama be also prepared, certified and be kept on record in accordance with law.

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2018
Transmission Date	23.04.2018

