

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.420 of 2018

Arising Out of P.S. Case No. - 452 Year- 2017 Thana – Bhagwan Bazar District- SARAN

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Kameshwar Rai, Son of Mohan Rai, Resident of Village- Daulatganj, Police Station- Bhagwan Bazar, District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Excise, Government of Bihar, New Secretariat, Patna.
2. The Director General of Police, Patna.
3. The Collector, Saran, Saran at Chapra.
4. The Superintendent of Police, Saran, Saran at Chapra.
5. The Officer-in-Charge, Daudpur Police Station, District- Saran.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. (Advocate).

For the Respondent/s : Mr. (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 20-04-2018

Heard learned counsel for the petitioner and learned counsel representing the State.

Learned counsel for the petitioner submits that 12.7 litres of illicit liquor has been seized from the premises in question for which the shop of the petitioner has been sealed in connection with Bhagwan Bazar P.S. Case No. 452/17 for the offence under Section 30 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the State is present.

Learned counsel for the petitioner submits that no confiscation proceeding has been initiated and 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.

Considering the facts and circumstances, pending initiation



or finalization of confiscation proceeding, let the shop in question be released / desealed provisionally on the petitioner's furnishing two sureties (not in form of cash or Bank Guarantee) to the satisfaction of the District Magistrate-cum-Collector, Saran at Chapra, subject to the following conditions:-

(i) The petitioner shall also give an undertaking that he will not deal with the shop in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State.

(ii) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and Panchnama of the shop in question shall also be prepared and the same be kept on record which may be used as a secondary evidence.

(iii) The Petitioner undertakes not to challenge the photograph and Panchnama so prepared in his presence at the time of release of the shop in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

