

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.75 of 2018

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Kishori Ray, S/o Late Sita Ram Ray, resident of Village- Paraspur Mushari,
P.S. Kathiya, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Through Its Chief Secretary Old Secretariat, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The Principal Secretary Home Police, Bihar, Patna.
4. The District Collector, Muzaffarpur, District- Muzaffarpur.
5. The Superintendent of Police, Muzaffarpur, District Muzaffarpur.
6. S.H.O. Motipur P.S., District West Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nitu Kumari

For the Respondent/s : Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 16-02-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Bajaj
Discover 125 Motorcycle bearing Reg.No.BR-06AJ-4126, which
has been seized by the police in connection with Motipur P.S.
Case No.255 of 2017, District-Muzaffarpur for the offence under
Sections 272 and 273 of the Indian Penal Code and Section 30(A)
of the Bihar Prohibition and Excise Act, 2016. It is alleged that
approximately two liters of foreign liquor have been recovered
from the dickey of the motorcycle.

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 of 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 surety bond of Rs.60,000/- (sixty 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) 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 vehicle in question shall also be prepared and keep the same on record which may be used as secondary evidence.

(iv) Petitioner undertakes not to challenge the said photograph and panchnama so prepared in his presence at the time of release of vehicle 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)

Arvind/-

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