

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1873 of 2017

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Mithilesh Rai, Son of Lal Bahadur Rai, Resident of Village Dumariya
Parti, P.O. Chanchaura, P.S. Chpra (Muffasil), District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Saran, Chapra.
3. The S.P. Saran, Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Respondent/s : Mr. Md. Nasrul Huda Khan (SC1)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD**

ORAL ORDER

2 23-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle
Motorcycle bearing Reg. No. BR-31R-2572 which has been seized
by the police in connection with Muffasil P.S. Case No.95 of
2017, District-Saran at Chapra for the offence under Sections 272
and 273 of the Indian Penal Code and Sections 30, 38 and 41 of
the Bihar Prohibition and Excise Act, 2016. It is alleged that 90
liters of country made liquor have 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.

Considering the facts and circumstances particularly the fact that the vehicle in question was being used for carrying huge quantity of illicit liquor, let the vehicle of the petitioner be released provisionally on production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

(i) Petitioner shall furnish a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the court below or any other security of like nature valued at Rs. 50,000/- (fifty thousand) 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.

It shall be subject to result of the decision in LPA No.1647 of 2015.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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