

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2807 of 2017

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Satendra Kumar, son of Rajendra Sah, R/o Mohalla- Jai Prakash Nagar, P.S.
Siwan Town, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar, through Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Excise Department, Siwan.
4. The Officer in Charge- Andar Police Station, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Respondent/s : Mr. Kumar Manish

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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
Apache Motorcycle bearing registration no. BR29Y-7662 in
favour of the petitioner in connection with Siwan Town P.S.
Case No. 02 of 2017 for the offences under Sections 30 and
36 of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner relies upon
a Division Bench order of this Court in L.P.A. No. 1647 of
2015 and order dated 29.08.2017 passed in Cr.W.J.C. No.
1289 of 2017 by a co-ordinate 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. It is alleged that 30 bottles of 180 ML of foreign made liquor has been seized from the Motorcycle.

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. 75,000/- (Seventy five thousand only) in form of Bank guarantee or by way of deposit of original title deed of immovable property lying in the jurisdiction of the court below or any other security of the like nature to the satisfaction of the learned Additional Sessions Judge – II, Siwan District Magistrate, Siwan, or the authority concerned, 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 Collector-cum-District Magistrate, Siwan as



and when directed.

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

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

This application is, accordingly, disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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