

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2788 of 2017

=====

Pawan Kumar Yadav S/o Late Rajendra yadav, R/o Village- Kamalabari
East , P.O.- Kamalabri, P.S.- Jay Nagar, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar Through Its Principal Secretary, Excise Department,
Govt. of Bihar, Old Secretariat, Patna.
2. The District magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The District Supply Officer, Madhubani.
5. The External Boarder Post, Arha, P.S.- Jay Nagar, District- Madhubani.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav

For the Respondent/s : Mr. P.N. Shahi (Aag 6)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 15-01-2018

Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner has prayed for release of the
vehicle Hero Glamour Motorcycle bearing registration no.
BR-33J-0793 in favour of the petitioner in connection with
G.O. Case No. 190/2017 for the offences under Sections
30(a) 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 stated that the vehicle in question was allegedly carrying 300 bottles of Nepali wine.

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. 50,000/- (Rupees fifty thousand 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, Madhubani, 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, Madhubani, 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.



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/-

U		T	
---	--	---	--

