

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2582 of 2017

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Harendra Kumar S/o Sri Ramjee Ray, R/o Mohalla- Kacchihat, P.S.-
Chowk, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Registration, Excise
And Prohibition Department, Bihar, Patna. Patna & Ors
2. The Collector Cum District Magistrate Gaya.
3. The Exxise Commissioner , Gaya.
4. The Superintendent of Police, Gaya.
5. The Superintendent of Excise, Gaya.
6. The Officer in Charge of Barachatti, P.S.- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nityanand Kumar

For the Respondent/s : Mr. Kumar Manish (Sc-5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

3 25-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Zest
XT of Tata Company bearing Reg. No. BR-01CS-2082, Chesis
No.MAT624051FLP32030, Engine No.101A20000614260, which
has been seized by the police in connection with Barachatti P.S.
Case No.291 of 2016, District-Gaya for the offence under Sections
47(a), 48(2), 54 and 63 of the Bihar Prohibition and Excise Act,
2016 read with Sections 272, 273 and 120B of the Indian Penal
Code. It is alleged that 90 liters of English liquor have been
recovered from the vehicle in question.



Learned counsel for the petitioner submits that presently the confiscation proceeding has not finally culminated.

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/authority concerned or any other security of like nature valued at Rs. 6,00,000/- (six lakhs) 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)

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