

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.222 of 2018

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Kumari Reeta, W/o Ganesh Kumar Yadav, R/o Village- Baithauni, P.O.-
Satghara, P.S.- Andhratharhi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise and Prohibition, Govt. of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Officer-In-Charge, Khutauna P.S., District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Respondent/s : Mr. Vikash Kumar (SC11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD

ORAL ORDER

2 29-03-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Maruti Wagon-R VXi bearing Reg. No. BR-32U-1310, Chassis No. MA3EWDE-1SOO B66452, Engine No.K10BN 7852232, which has been seized by the police in connection with Khutauna P.S. Case No.114 of 2017, District-Madhubani for the offence under Sections 272, 273 of the Indian Penal Code and Sections 30(a),37(6) of the Bihar Prohibition and Excise Act, 2016. It is alleged that two bottles of beer each containing 500 ml and one bottle of Nepali foreign wine containing 180 ml 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, pending initiation or finalization of confiscation proceeding, let the vehicle of the petitioner be released provisionally within one week from the date of production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

- (i) Petitioner shall furnish surety bond of Rs.4,00,000/- (four lakhs) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Madhubani/authority concerned.
- (ii) The petitioner shall also give an undertaking that she 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, she will not use the vehicle for any illegal purpose and as and when required, she 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 her 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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