

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2035 of 2017

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1. Ajay Kumar @ Ajay Sahani, Son of Ashok Sahani, Resident of Village-Dumri, P.S.- Sadar, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department, Bihar, Patna.
2. The Principal Secretary, Home Department, Bihar, Patna.
3. The District Magistrate cum Collector, Muzaffarpur, Bihar.
4. The Excise Superintendent, Muzaffarpur.
5. The Excise Inspector, Excise Police Station Sadar Anchal, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar

For the Respondent/s : Mr. Anil Kumar Sinha (Ga1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle Bullet Motorcycle (Royal Enfield) bearing Reg.No.BR-06AM-9550, Chasis No.ME3U355CIEPO671422 and the smart mobile phone of Panasonic bearing Model NO.CE-1313 as also a Samsung mobile general which have been seized by the Excise police, Muzaffarpur in connection with P.R.No.13 of 2017-18 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 180 ml English liquor has been recovered from the possession of petitioner.



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.

Let the vehicle as also the smart mobile and Samsung mobile of the petitioner be provisionally released on production of proof of ownerships of the vehicle and the mobiles and registration of the vehicle in his favour subject to the following conditions:-

- (i) Petitioner shall furnish surety bond of Rs.1,00,000/- (one lakh) (not in form of bank guarantee or cash) with two sureties of the like amount 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 and the mobiles 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 and the mobiles for any illegal purpose and as and when required, he will produce the vehicle and



the mobiles 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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