

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2834 of 2017

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Ganga Sahni S/o Shiv Dhari Sahni , R/o Village- Narakatiya, Punarwara
Sham, P.S.- Motipur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar Through Its Chief Secretary Old Secretariat, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The Principal Secretary Home Police, Bihar, Patna. null null
4. The District Collector , Muzaffarpur, District Muzaffarpur.
5. The Superintendent of Police, (S.P.) Muzaffarpur, District- Muzaffarpur.
6. S.H.O. Kazimohamadpur (K.M.P.), P.S.- Muzaffarpur, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nitu Kumari

For the Respondent/s : Mr. Anil Kumar Sinha (GA1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 09-01-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Tata
M Vista bearing Reg. No. BR-06AJ-4928 which has been seized
by the police in connection with Kazi Mohamadpur P.S. Case
No.57 of 2017, District-Muzaffarpur for the offence under
Sections 337, 279, 307, 353, 272, 273 and 290/34 of the Indian
Penal Code and Section 30(A) of the Bihar Prohibition and Excise
Act, 2016.

Learned counsel for the petitioner submits that
altogether 77 liters i.e. 179 bottles of Royal Stag each containing



180 ml and 60 bottles of Royal Stag each containing 750 ml have been recovered from the vehicle in question. A confiscation proceeding has also been initiated in this regard. Learned counsel, however, submits that very jurisdiction of the Collector-cum-District Magistrate to initiate and conduct confiscation proceeding is pending consideration before a Division Bench of this Court in LPA No.1647 of 2015.

Learned counsel for the State submits that the vehicle in question was carrying huge quantity of illicit liquor.

Considering the facts and circumstances particularly the fact that the vehicle in question was 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 security in form of a bank guarantee or deposit of title deeds of immovable property lying within the jurisdiction of the court below or any other security of like nature valued at Rs.8,00,000/- (eight lacs) 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) A photograph of the vehicle shall be taken and panchnama be also prepared and kept on record.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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