

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.786 of 2018

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Satya Narayan Sharma Son of Kapleshwar Sharma, Resident of Village-
Piprakhurd. P.S. and District-Supaul

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of
Excise, Government of Bihar, Patna.
2. The District Magistrate, Supaul, District-Supaul.
3. The Superintendent of Police, Supaul District-Supaul.
4. The Sub-Divisional Police Officer, Sadar, Supaul Dist.-Supaul.
5. The Officer-Incharge, Supaul, Police Station, Dist.-Supaul.
6. Sri Brajesh Kumar Singh, Son of not Known P.S. and Dist.-Supaul Sub-
Inspector of Police Supaul Police Station the Informant of Supaul P.S. case
No.-441/2017 dated 03-08-2017
7. Sri Brajesh Kumar Singh, Son of not Known, The Sub-Inspetor of Police
Supaul Police Station, The Investigation Officer of Supaul P.S. Case No.-
441/2017 Date 03-08-2017 P.S. and District-Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav

For the Respondent/s : Mr. Vivek Prasad (Gp-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 27-04-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Hero
Passion Pro Motorccle bearing Reg. No. BR-50D-1028, which has
been seized by the police in connection with Supaul P.S. Case
No.441 of 2017, District-Supaul for the offence under Section
30(A) of the Bihar Prohibition and Excise Act, 2016. It is alleged
that 18 bottles of foreign liquor each containing 750 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 the 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. 60,000/- (sixty thousand) (not in form of bank guarantee or cash) with two sureties of the like amount to the satisfaction of District Magistrate, Supaul/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 shall undertake 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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