

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Revision No.491 of 2018**

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Randhir Kumar, S/o Hari Das, R/o Vill.- Sonar, Ward No. 1,  
Pokhar Bindha, District- Sitamarhi, Bihar.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sanchay Srivastava, Adv.

For the State : Mr. Tapeswar Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

ORAL ORDER

3    26-07-2018                      The petitioner seeks release of his vehicle, viz. TVS Victor, bearing Reg. No. BR-30Q-9931, which has been seized in connection with Case No. C2/97/2018 instituted for the offence under Section 30(A) of the Bihar Prohibition and Excise Act, 2016.

14 bottles of Nepal made liquor, total weighing about 4.2 liters, were recovered from the aforesaid vehicle.

The issues pertaining to the confiscation of the vehicles under the Bihar Prohibition and Excise Act, 2016 is pending consideration before a larger Bench in Cr. W.J.C. No. 2446 of 2017 (Rahul Kumar @ Rahul Vs. The State of Bihar & Ors.).



It has been submitted on behalf of the petitioner that he is ready and willing to abide by the terms and conditions which may be imposed by this Court for the 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 four weeks 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) The petitioner shall furnish surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the authority concerned or any other security of like nature valued at Rs. 1,00,000/- (Rupees One Lac) to the satisfaction of the learned Addl. District Judge-II-cum-Special Judge (Excise), Sitamarhi/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) The petitioner shall undertake not to challenge the said photograph and *panchnama* so prepared in his presence at the time of release of the vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

This order shall, however, be subject to the result of Cr. W.J.C. No. 2446 of 2017.

The application is, accordingly, allowed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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