

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1396 of 2018

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Ramdayal Ray, son of Mahesh Ray resident of Village- Lawapur Mahnar
Ward No. 9, P.S. Mahnar, District Vaishali.

... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Prohibition, Excise and Registration Department, Govt. of Bihar, Patna. null null
2. The District Magistrate, Vaishali at Hajipur.
3. The Superintendent of Excise, Vaishali at Hajipur.
4. The Excise Sub- Inspector, Task Force, Vaishali at Hajipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 24-07-2018

Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle (Maruti Suzuki Alto 800 LXI) bearing registration no. BR31J-9502 in favour of the petitioner in connection with C2A-48/2018 for the offences under Section 30(a) and 37(b) of Bihar Prohibition and Excise Act, 2016. It is alleged that 40 liters of illicit liquor 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.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit liquor being 40 liters, this Court would direct release of the vehicle in question within one week on furnishing two sureties along with a bank guarantee for the value of the vehicle in question as indicated



in the insurance document. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Vaishali at Hajipur that during the pendency of the confiscation proceeding he would not deal with the vehicle in question and shall not create any kind of encumbrance whatsoever and no third party right or interest shall be created. He would also undertake to produce the vehicle in question as and when required by the authority concerned.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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