

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1932 of 2018

Arising Out of PS. Case No.-27 Year-2018 Thana- NIRMALI District- Supaul

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Sunita Devi @ Sonita Devi W/o Santosh Yadav, R/o Vill.- Belha- Bathnaha,
P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary Excise, Government of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The Superintendent of Police, Supaul.
4. The S.H.O. , Nirmali P.S., District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha
For the Respondent/s : Mr. Kumar Manish (Sc 5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 24-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Tata
Pick-up Van bearing Registration No. BR 07 GA-6465, which
has been seized by the police in connection with Nirmali P.S.
Case No. 27 of 2018, District- Supaul for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016. It
is alleged that 684 liters of Nepali 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.

Learned counsel for the petitioner submits that no confiscation proceeding has been initiated though learned counsel representing the State has informed that the prosecution report has been sent to the District Magistrate, Supaul.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit liquor being more than 30 liters, this Court would direct release of the vehicle in question on furnishing two sureties along with a bank guarantee for the value of the vehicle in question as indicated in the insurance document to the satisfaction of the court below. Apart from the above, the petitioner shall be obliged to submit an undertaking before the learned court below 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.

Let the vehicle be released within a week after submission of the two sureties along with the Bank Guarantee as indicated above.



The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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