

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2224 of 2018
Arising out of Dhibra P.S. Case No.13 of 2018, District-Aurangabad

=====

Sanjay Kumar Sinha Son of Late Surendra Kr. Sinha, resident of Mohalla -
At Biratpur, Dr. Lalit Babu Ward No. 16, P.O. + P.S. Aurangabad, District -
Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Department,
Bihar, Patna.
2. The District Magistrate, Aurangabad.
3. The Officer In Charge, Dhibra Police Station, District Aurangabad.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha(GA-1)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the
vehicle Motorcycle bearing Reg.No.BR26M9395, which has been
seized in connection with Dhibra P.S. Case No.13 of 2018,
registered for the offence under Sections 30(a)/38 of the Bihar
Prohibition and Excise Act for recovery of 17 liters illicit liquor
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.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit liquor being less than 30 liters, this Court would direct release of the vehicle in question on petitioner furnishing two sureties 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 as indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

Arvind/Ved/-

U		T	
---	--	---	--

