

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2259 of 2018

Arising out of Rosera P.S. Case No. 248 of 2018, District Samastipur

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Raja Kumar @ Prince Kumar, Son of Nityanand Sharma, resident of Village- Singhia Ghat (Buzurg), Police Station- Bibutipur/Vibhutipur, District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The Deputy Superintendent of Police, Samastipur.
5. The Officer-in-Charge, Rosera Police Station, District- Samastipur.
6. The A.S.I. Rosera Police Station, District- Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate

For the Respondent/s : Mr. Vikash Kumar (SC-11)

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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.

Petitioner has prayed for release of the vehicle Pulsar Motorcycle bearing Reg. No. BR-33AC-5526, which has been seized in connection with Rosera P.S. Case No. 248 of 2018 District Samastipur, for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 1 liter of illicit liquor has 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 less than 30 liters, pending initiation/finalization of confiscation proceeding, 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 District Magistrate, Samastipur. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Samastipur 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/-

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