

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2356 of 2018

Arising out of Goraul P.S. Case No. 238 of 2018, District Vaishali

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Suneel Kumar Thakur, Son of Late Ram Ekbal Thakur, Resident of Village – Rasulpur Adhar, Police Station – Karja, District – Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Principal Secretary, Registration, Excise and Prohibition Department, Government of Bihar, Patna.
3. The Collector-cum-District Magistrate, Muzaffarpur.
4. The Superintendent of Excise, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, 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 Scorpio bearing Reg. No. BR-06PB-2372, Chassis No.MA1TA2GMKC2E46273, Engine No.GMC4E64587, which has been seized in connection with Goraul P.S. Case No. 238 of 2018, District-Vaishali for the offence under Sections 30(A),38(II) and 41(I) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 202 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 more than 30 liters, pending initiation/finalization of confiscation proceeding, this Court would direct release of the vehicle in question on petitioner 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 District Magistrate, Vaishali. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Vaishali 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 Bank Guarantee as indicated above.

This application stands disposed off.

Arvind/Ved/-

(Rajeev Ranjan Prasad, J)

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