

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2296 of 2018

Arising out of Complaint Case No. G.O./102 of 2018, District Sitamarhi

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Ravindra Mishra S/o Nathuni Mishra, R/o Mohalla- Vidyapatti Nagar,
Ward No. 4, P.S.- Surasand , District- Sitamarhi.

.... 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, Sitamarhi.
4. The Superintendent of Excise, Sitamarhi.

.... Respondents

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Appearance :

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

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

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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.

The petitioner is seeking provisional release of the vehicle Bajaj Pulsar Motorcycle bearing Reg.No.BR 30L-5442, Chassis No.MD2A11C25FCB38722, Engine No.DHZCFB14766, which has been seized in connection with Complaint Case No. G.O./102 of 2018, registered for the offence under Section 30(A) of the Bihar Prohibition and Excise Act for recovery of 2.340 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/-

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