

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2670 of 2018

Arising Out of PS. Case No.-52 Year-2018 Thana- NTPC KHAIRA District- Aurangabad

Ajit Kumar Singh Son of Rameshwar Singh Resident of Village-Dighi,P.S.
Nabinagar,Distt.-Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Department,
Government of Bihar, Patna
2. The District Magistrate, Aurangabad
3. The Superintendent of Police,Aurangabad
4. The S.H.O., N.T.P.C. Khaira,Distt.-Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh
For the Respondent/s : Mr. Kumar Manish (Sc5)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-11-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the
vehicle (Maruti Alto Car K-10) bearing Chasis No.
MA3EZDE1S00461699 and Engine No. K10BN8126689,
which has been seized by police in connection with N.T.P.C.
Khaira P.S. Case No. 52 of 2018 for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per
allegations made in the Police case, 90 liters of Indian Made
Foreign Liquor has been recovered from the vehicle in question.

Learned counsel for the petitioner submits that no



confiscation proceeding has been initiated as regards the vehicle in question.

Learned counsel for the State is present and submits that he has no instruction regarding the confiscation proceeding with respect to the vehicle in question.

Considering the facts and circumstance of the case wherein it appears that no confiscation proceeding has been initiated with respect to the vehicle in question and the petitioner has no other alternative remedy except to move this Court under Article 226 of the Constitution of India, in view of the views expressed by the Hon'ble Division Bench of this Court, this Court would direct provisional 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 and shall furnish an undertaking to the effect that he will not deal with the vehicle in question in any manner whatsoever during pendency of the case and shall produce the vehicle as and when required before the court/authority concerned.

On the petitioner filing a copy of the document of the registration and ownership of the vehicle in his favour and upon his furnishing the aforesaid terms and conditions, the vehicle in



question shall be released within a week from the date of the
filing of the surety bond.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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