

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Writ Jurisdiction Case No.785 of 2018**

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Rajesh Kumar, Son of Harichand Mahto @ Harish Chandra Mahto, R/o-  
Village-Birakh Bakhari Ward No.-1, P.S.- Sursand, District-Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Excise and Prohibition Department, Government of Bihar, Patna.
2. The Collector/District Magistrate-Sitamarhi.
3. The Senior Superintendent of Police, Sitamarhi.
4. The Excise Superintendent, Sitamarhi.
5. The Sub-Inspector Excise, District-Sitamarhi.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Alok Kumar Alok

For the Respondent/s : Mr. Vivek Prasad(GP-7)

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

**ORAL ORDER**

2      16-03-2018                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

Petitioner has prayed for release of the vehicle TVS Apache Bike bearing Reg. No. BR-30J-7855, Chassis No.MD634KE47F2L24030, Engine No.OE4LF2659643, which has been seized by the police in connection with Bathanaha G.O. Case No.25/17 for the offence under Sections 30(A) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 9 liters of Nepali Saufi wine 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.

Considering the facts and circumstances, pending initiation or finalization of confiscation proceeding, let the vehicle of the petitioner be released provisionally within one week from the date of production of proof of ownership and registration of the vehicle in favour of the petitioner subject to the following conditions:-

(i) Petitioner shall furnish a surety in form of a bank guarantee or by deposit of original title deeds of immovable property lying within the jurisdiction of the authority concerned or any other security of like nature valued at Rs. 60,000/- (sixty thousand)) to the satisfaction of the District Magistrate, Sitamarhi/authority concerned.

(ii) The petitioner shall also give an undertaking that he will not deal with the vehicle in question and shall not alienate or encumber the same creating any kind of adverse interest against the interest of the State, he will not use the vehicle



for any illegal purpose and as and when required, he will produce the vehicle in question before the competent court/authority.

(iii) At the time of release, the concerned authority/court shall get prepared a photograph duly certified in presence of the petitioner and panchnama of the vehicle in question shall also be prepared and keep the same on record which may be used as secondary evidence.

(iv) Petitioner undertakes not to challenge the said photograph and panchnama so prepared in his presence at the time of release of vehicle in question for use in course of trial or the confiscation proceeding, as the case may be.

The application stands disposed of.

**(Rajeev Ranjan Prasad, J)**

Arvind/-

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