

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1345 of 2018

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Prem Chand Yadav, Son of Late Karu Yadav, R/o Village- Gonawa, P.S.-
Nawada, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department,
Government of Bihar Patna.
2. The District Magistrate, Nawada.
3. The Superintendent of Police, Nawada.
4. The Officer in Charge, Mufassil, P.S.- District- Nawada.
5. The Ravi Kumar Paswan, S.I. Mufassil, P.S.- Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar

For the Respondent/s : Mr. Vivek Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

3 18-07-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Pick Up
bearing Reg. No.BR02T9896, which has been seized by the police
in connection with Mufassil P.S. Case No.37 of 2017, District-
Nawada for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. It is alleged that 880 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 800 liters, this Court would direct 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. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Nawada 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.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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