

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1653 of 2018

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1. Bechu Rai Son of Ganga Rai Resident of Village - Laxminiya, P.S. - Kishanpur, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department Bihar, Patna.
2. The District Magistrate, Supaul, District - Supaul.
3. The Superintendent of Police, Supaul, District - Supaul.
4. The Excise Superintendent, Supaul, District - Supaul.
5. Sri Chandan Kumar son of Dhurbnandan Singh Resident of Village - Badpur, P.S. - Maranchi, District - Patna, S.H.O. of Kishanpur Police Station, District - Supaul and the informant of Kishanpur P.S. Case No. 24/18 dated 23.1.18.
6. Sri Siyaram Sharma son of not known the Sub Inspector of Police Supaul Police Station, District - Supaul and the investigation officer of Kishanpur P.S. Case No. 24/18 dated 23.1.18.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav
For the Respondent/s : Mr. Kumar Manish (Sc 5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 25-07-2018

Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle (Glamour Motorcycle Black Colour) bearing registration no. BR50D-5079 in favour of the petitioner in connection with Kishanpur P.S. Case No. 24/2018 for the offences under Section 30(a)/37(b)(c) of Bihar Excise Amendment Act, 2016, pending in the court of learned Sessions Judge – 2nd-cum-Special Judge Excise, Supaul in S.T. Excise Case No. 70/18.

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 33 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, Supaul 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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