

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2344 of 2018

Arising Out of PS. Case No.-278 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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Gaffar Mian S/o Late Hanif Mian, R/o Vill.- Bagahi Balua Nimuiya, P.S.-
Srinagar Pujaha, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Superintendent of Police, West Champaran, Bettiah.
4. The S.H.O. Bettiah (Town), District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava
For the Respondent/s : Mr. Anil Kumar Sinha (Ga-1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the vehicle
Bolero bearing Registration No. BR-01PB-5405 which has been
seized in connection with Bettiah Town (Kalibag O.P.) P. S. Case No.
278 of 2018 registered for the offence under Section 30 (A)/30 (B) of
the Bihar Prohibition & Excise Act for recovery of 1.290 liter 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 and further that the vehicle is not involved in offence of similar nature in past and shall not be involved in any offence of like nature in future.

Let the vehicle be released within a week after submission of the two sureties and undertakings as indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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