

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2357 of 2018

Arising Out of PS. Case No.-195 Year-2018 Thana- KORHA District- Katihar

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Anup Kumar Singh S/o Ram Prakash Singh, R/o Kheriya, P.S.-
Korha, Distt.- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Excise Deptt. Patna, Bihar.
2. The District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.
4. The S.H.O. Korha Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Respondent/s : Mr. Vivek Prasad (Gp 7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-11-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the
vehicle (Maruti Suzuki Alto) bearing registration no. BR39S-
1384, which has been seized by police in connection with Korha
P. S. Case No. 195 of 2018 for the offence under Sections 272,
273 of the Indian Penal Code and 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, 112.30 liters Indian Made
Foreign Liquor 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 fulfilling 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 and the undertakings.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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