

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2535 of 2018

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Hansh Lal Singh Son of Late Saheb Singh, Resident of Village-
Dhaka Ward No. 10, P.S.- Dhaka, District- East Champaran.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, East Champaran.
4. The District Magistrate-cum- Collector, East Champaran.
5. The Dy. Superintendent of Police, East Champaran.
6. The S.H.O. Kundwa Chainpur Police Station, District- East Champaran.
7. The Investigating Officer, Kundwa Chainpur P.S. Case No. 12 of 2017, Kundwa Chainpur Police Station, District- East Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Respondent/s : Mr. Vikash Kumar (Sc-11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 25-10-2018

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

Petitioner has prayed for release of the
Motorcycle (Hero HF Deluxe) bearing registration No.
BR05R-7617 in favour of the petitioner in connection
with Kundwa Chainpur P.S. Case No. 12 of 2017 for the
offences under Sections 272, 273 of the Indian Penal
Code and 30(a), 37(a) of the Bihar Prohibition and Excise
Act, 2016.

It is alleged that from vehicle in question 36
litres of country made liquor was recovered.

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 30 liters, pending initiation/finalization of confiscation proceeding, 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 District Magistrate, East Champaran.

The order of provisional release is, however, subject to the further undertakings to be submitted by the petitioner before the District Magistrate, East Champaran as follows:

- (i) That the vehicle in question is not involved in any other offence of similar nature in past and shall not be involved in the nature of the offence in future.
- (ii) That the petitioner shall not create any third party right or interest in respect of the vehicle in question.
- (iii) That the petitioner shall produce the vehicle as and when required by the learned court below/authority concerned.

Prior to release of the vehicle a Panchanama shall be prepared which will be kept on record for future use in course of trial.

The vehicle be release within one week from the date of furnishing surety and the undertaking as indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J.)

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