

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2674 of 2018

Arising Out of PS. Case No.-274 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Arshad Ali, Son of Late Afzal Ali, Resident of 2/H/2 Gopal Chandra Road,
Kolkata, P/S- B.T. Road, District- Kolkata, (West Bengal), Pin Code- 700002.

... .. 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 Excise Superintendent, Nawada.
5. The Excise Inspector, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar
For the Respondent/s : Mr. Kumar Manish (Sc-5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-10-2018 Let the defect be ignored.

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

Petitioner has prayed for provisional release of the
vehicle Tata Sumo Victa bearing registration no. W02R-7121,
which has been seized by the police in connection with G.O.
Case No. 274 of 2018 for the offence under Sections 30(a) and
56 (b) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 250 liters spirit 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. It is further submitted that confiscation proceeding in respect of the vehicle in question is pending.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit spirit being more than 30 liters, pending initiation/finalization of confiscation proceeding, this Court would direct provisional release of the vehicle in question on petitioner producing document of ownership and registration in his name and furnishes 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 Judge, Nawada.

The order of provisional release is, however, subject to the further undertakings to be submitted by the petitioner before the District Judge, Nawada 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 Panchnama shall be prepared which will be kept on record for future use in course of trial.

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

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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