

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2748 of 2018

Arising Out of PS. Case No.-128 Year-2016 Thana- MAIRWAN District- Siwan

Vinod Sah son of Ramanand Sah, R/o village- - Hasua, P.S.- Nautan, District-
Siwan. Petitioner

Versus

1. The State Of Bihar Through Principal Secretary Excise Dept.
2. The District Magistrate, Siwan
3. The Superintendent of Police, Siwan
4. The Officer-In-Charge, Mairwa Police Station, Siwan

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-11-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for provisional release of the
vehicle (Splendor plus Motorcycle) bearing registration no.
BR29W-6919, Chasis No. MBLHA10CGGHE53504, Engine
No. HA10ERGHE56570, which has been seized by police in
connection with Mairwa P. S. Case No. 128 of 2016 for the
offence under Sections 272, 273/34 of the Indian Penal Code
and Sections 47 and 53(B) of the Bihar Prohibition and Excise
Act, 2016.

Learned counsel for the petitioner submits that as per
allegations made in the Police case, 3.600 ml. Indian Made
Foreign Liquor has been recovered.

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 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 furnishing 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.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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