

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2109 of 2018

Arising Out of PS. Case No.-238 Year-2018 Thana- FALKA District- Katihar

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Ful Kumari W/o Karelal Mandal, R/o Fulakiya, Idmadpur, P.S.- Ismailpur,
Distt.- Bhagalpur. 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. Falka (Pothia) Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh
For the Respondent/s : Mr. Kumar Manish (Sc 5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle (Motorcycle) bearing registration no. BR10U-7143, which has been seized by the police in connection with Falka (Pothia) P.S. Case No. 238 of 2018, for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 100 liters of illicit liquor 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 submitted no confiscation proceeding has been



initiated for 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, this Court would direct 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. Apart from the above, the petitioner shall be obliged to submit an undertaking before the 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.

Let the vehicle be released within a week after submission of the two sureties along with the Bank Guarantee as indicated above.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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