

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2249 of 2018

Arising out of Piar (Hatha O.P.) P.S. Case No. 152 of 2018, District
Muzaffarpur

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Jagdish Chander @ Jagdish Chander Hooda S/o Sultan Singh, R/o Village-
H. No. 94/9, Vasant Vihar Colony, Rohtak, P.S.- Rohtak , District- Rohtak,
Haryana.

.... Petitioner

Versus

1. The State of Bihar Through Its Chief Secretary Old Secretariat, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The District Collector , Muzaffarpur District Muzaffarpur.
4. The Superintendent of Police Muzaffarpur , District- Muzaffarpur.
5. The S.H.O. Piar , P.S. (Hatha O.P.), Muzaffarpur , District- Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Nitu Kumari, Advocate
For the Respondent/s : Mr. Vivek Prasad (GP-7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 26-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the
vehicle Tata Tiago Car 1-2 RTN bearing Engine No.REVTR No.2
FRYK 59983, Chassis No.MAT626201JKF60476 (Temporary
Reg.No.HR/12(TMP/2018/12467), which has been seized in
connection with Piar (Hatha O.P.) P.S. Case No.152 of 2018,
registered for the offence under Sections 272, 273 and 414 of the



I.P.C. and Sections 30(a), 35(a), 38 and 41 of the Bihar Prohibition and Excise Act for recovery of 17 liters illicit liquor 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.

Learned counsel for the petitioner submits that no confiscation proceeding has been initiated.

In view of the views expressed by the Hon'ble Division Bench of this Court, considering the quantity of the illicit liquor being less than 30 liters, this Court would direct release of the vehicle in question on petitioner furnishing two sureties 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 learned 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 as indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

Arvind/Ved/-

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