

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2261 of 2018

Arising Out of PS. Case No.-40 Year-2017 Thana- NAUTAN District- Siwan

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Jitendra Sah, Son of Kamal Sah, resident of Village- Thepha Bazar, P.S.-
Ziradei, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar.
2. The Collector cum District Magistrate, Siwan, District- Siwan.
3. The Superintendent of Police, Siwan, District- Siwan.
4. The S.H.O. cum Officer In Charge, Nautan, P.S. Nautan District- Siwan.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-10-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner has prayed for release of the vehicle Hero
Splendor iSmart Motorcycle bearing registration no. BR-29X-
8196, which has been seized by the police in connection with
Nautan P. S. Case No. 40 of 2017, for the offence under
Sections 272, 273, 308/34 of the Indian Penal Code and
Sections 30/38 of the Bihar Prohibition and Excise Act, 2016.
It is alleged that 35.6 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 further submitted that no confiscation proceeding is pending.

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 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 and further that the vehicle is not involved in offence of similar nature in past and shall not be involved in any offence of like nature in future.

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



and undertakings as indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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