

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2088 of 2018

Arising Out of PS. Case No.-446 Year-2017 Thana- BHAGWAN BAZAR District- Saran

Abhay Kumar Pandey son of Gautam Pandey @ Gautam, R/o village- Virti, P. S.- Siswan (Chainpur O. P.) District- Siwan Petitioner

Versus

1. The State Of Bihar Through The Principle Secretary Department Of Excise Govt. Of Bihar Old Secretariat
2. The Director General of Police, Old Secretariat, Patna
3. The Superintendent of Police, Saran at Chapra
4. The Station House officer, Bhagwan Bazar, District- Saran at Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-09-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner is seeking provisional release of the vehicle being KWID Car bearing Reg No. M E E B B A 003 H 3474 K. M. 6150 Engine No. E 144253 which has been seized in connection with Bhagwan Bazar P. S. Case No. 446 of 2017 registered for the offences under Sections 354, 341, 504, 506 of the Indian Penal Code and Sections 30 and 37 of the Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that from perusal of the seizure list it would appear that there is recovery of 500 ml. Beer from the vehicle in question. It is submitted that for the purpose of release the petitioner approached the



District Magistrate, Saran at Chapra, however, he was informed that no confiscation case is pending regarding the said car. It is further submitted that the petitioner filed petition for release of the car in question before the learned Additional Sessions Judge-VI, Saran at Chapra which was rejected vide order dated 20.11.2017.

Learned counsel for the State is present.

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 provisional release of the vehicle in question on furnishing two sureties to the satisfaction of learned Additional Sessions Judge VI, Saran at Chapra for the value of the vehicle in question as indicated in the insurance document. 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, accordingly.

(Rajeev Ranjan Prasad, J)

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