

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2117 of 2018

Arising Out of PS. Case No.-77 Year-2018 Thana- BISHWAMBHARPUR District-
Gopalganj

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Rahul Ranjan Kumar son of Jagdish Prasad @ Jadish Prasad, resident of
Mohalla- Anand Nagar, Baswaria, Police Station- Bettiah Town, District-
West Champaran at Bettiah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Registration, Exise and Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum- Confiscation Officer, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Station House Officer, Bishambharpur Police Station.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh
For the Respondent/s : Mr. Vivek Prasad (Gp 7)

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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 Honda
Activa 4G bearing registration no. BR-22AD-9710, which has
been seized by the police in connection with Bishambharpur P.
S. Case No. 77 of 2018, District - Gopalganj, for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

It is alleged that 36 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.

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 District Magistrate, Gopalganj. Apart from the above, the petitioner shall be obliged to submit an undertaking before the District Magistrate, Gopalganj 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 the undertakings as indicated above.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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