

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2343 of 2018

Arising Out of PS. Case No.-277 Year-2018 Thana- DANAPUR District- Patna

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Nageshwar Prasad, Son of Late Ram Chander Prasad, Resident of Nirpur Shivmandir, Chandamari Road, Lodipur, P.S.- Maner, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Principal Secretary, Department of Excise, Government of Bihar, Patna.
3. The Senior Superintendent of Police, District- Patna.
4. The Excise Superintendent, Patna, District- Patna.
5. The Inspector-cum-Station House Officer (SHO), P.S.- Danapur, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Singh
For the Respondent/s	:	Mr. Vivek Prasad

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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.

The petitioner is seeking provisional release of the vehicle Swift Dezire Car bearing Registration No. BR-1PF-8155 which has been seized in connection with Danapur P. S. Case No. 277 of 2018 registered for the offence under Section 30 (a), 37 (b) and 38 of the Bihar Prohibition & Excise Act for recovery of 540 ml. 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 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 and the undertakings as indicated above.

This application stands disposed off.

(Rajeev Ranjan Prasad, J)

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