

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2147 of 2018

Arising Out of PS. Case No.-183 Year-2018 Thana- MUSAHARI District- Muzaffarpur

Binod Choudhary S/o Shivji Choudhary, R/o Mohalla - 47, Police Line
B.M.P. 06, Kanhauli Bishundutt, P.S.- Mushahari , District- Muzaffarpur.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nitu Kumari
For the Respondent/s : Mr. Anil Kumar Sinha (Ga1)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-09-2018 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner is seeking provisional release of the vehicle Platina Motorcycle bearing Registration No. BR06BK-6683 which has been seized in connection with Musharhi P. S. Case No. 183 of 2018 registered for the offence under Sections 272, 273 of the Indian Penal Code and Sections 30 (a), 36 and 38 of the Bihar Prohibition & Excise Act for recovery of 11 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)

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