

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.2336 of 2018

Arising Out of PS. Case No.-308 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

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Avadhesh Kumar Yadav @ Awadhesh Kumar Yadav son of Sri Nathuni
Yadav, R/o village- Laxmipur Buzurg, Laxmipur Baboo, P.S.- Kushinagar,
District- Kushinagar, U. P.

... .. Petitioner/s

Versus

1. The State Of Bihar through Chief Secretary, State of Bihar, Patna
2. The District Magistrate, Gopalganj
3. The Superintendent of Excise Department, Gopalganj
4. The Officer -in-Charge – Gopalganj Police Station , Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey
For the Respondent/s	:	Mr. Vikash Kumar (Sc 11)

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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 Maruti
Wagon R Car bearing registration no. UP-53-A.P. 9372, which
has been seized by the police in connection with Gopalganj
Nagar P. S. Case No. 308 of 2018 for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

It is alleged that 105.84 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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