

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2371 of 2018

Arising Out of PS. Case No.-219 Year-2018 Thana- BRAHMPURA District- Muzaffarpur

Arun Kumar S/o Shri Nand Kishore, R/o F-459, Budh Nagar, Inderpuri, New Delhi-110012, through Power of Attorney- Rajendra Kumar Pandey, S/o Shri Anirudh Pandey, R/o Vill.- Pandyadih, Post - Kisgo, P.S.- Hirodih, District- Giridih (Jharkhand)-825412.

... .. Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Registration Excise And Prohibition Department, Government of Bihar, Patna.
2. The Collector Cum District Magistrate, Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur.
4. The Deputy Superintendent of Police, Muzaffarpur.
5. The Officer In Charge, Brahmpura P.S., Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Vatsa
For the Respondent/s : Mr. Vivek Prasad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-10-2018 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner has prayed for release of the vehicle (Bus) bearing Registration No. UP 17AT 5675, which has been seized by the police in connection with Brahmpura P.S. Case No. 219 of 2018, for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. It is alleged that 204.28 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.

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 more than 30 liters, 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 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 along with the Bank Guarantee as indicated above.



The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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