

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.387 of 2019

Arising Out of PS. Case No.-17 Year-2018 Thana- BACHHWARA District- Begusarai

=====

SUMIT KUMAR CHOUDHARY Son of Nand Kumar Choudhary, Resident
of Village-Fateha, Police Station-Bachhwara, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Singh
For the Respondent/s : Mr.Md. Nazir Ansari

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 05-04-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner prays for provisional release of the
vehicle bearing **Registration No. BR-33D-3286, Engine No.**
497SPTC35LTZ915303, Chasis No. 3571526TZ453054 which
has been seized in connection with **Bachhwara P.S. Case No.**
17 of 2018 for the offence punishable under Section 30(A) of
Bihar Prohibition and Excise Act, 2016.

It is stated by learned counsel for the petitioner that
confiscation proceeding is pending and the vehicle in question is
lying under the open sky in the police station. The seizure list
reflects the seizure of 90 litre of country made foreign liquor.



Having heard learned counsel for the parties and taking note of the nature of seizure made as well as the fact that the confiscation proceeding is pending, we direct that the vehicle in question be released provisionally in favour of the petitioner on production of ownership and registration with respect to vehicle in question in his name before the **District Magistrate, Begusarai**, with one surety along with a Bank Guarantee or original title deed of immovable property situated within the district to the extent of the value of the vehicle as indicated in the insurance document. The petitioner while submitting the surety and the bank guarantee or the original title deed, as the case may be, shall also furnish the following affidavits/undertakings:

(i) That the vehicle in question has never been involved in any offence of similar nature in past and shall not indulge in similar offence in future.

(ii) That the petitioner shall not indulge in creating any third party right or interest in respect of the vehicle during the pendency of the confiscation proceeding, if any, and shall not alienate the vehicle during this period.

(iii) The petitioner shall furnish an



undertaking to produce the vehicle before the confiscating authority as and when required.

(iv) Prior to release of the vehicle, a Panchanama would be prepared by the Court below wherein the photograph of the vehicle shall be taken and will be certified by the petitioner and the same shall be kept on record so that in future, if so required, it may be used as a secondary evidence. The petitioner shall furnish an undertaking not to challenge the said Panchanama in course of trial.

The release shall be allowed within a period of 14 days from the date of submissions of one surety along with the Bank Guarantee and the undertakings as stated above. This release, however, would be subject to the final order passed in the confiscation proceeding.

With the observations, this petition is allowed.

(S. Kumar, J)

ranjan/-

U			
---	--	--	--

