

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 621 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- GOPALGANJ

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Manish Kumar Singh, Son of Shailendra Singh, Resident of Village - Saraiya ward
No. 4, P.S. + District - Gopalganj

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary Excise Department, Patna
2. The Registrar General, High Court of Judicature at Patna, Bihar.
3. The Registrar, Civil Court Gopalganj, District - Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Deputy Superintendent of Police Sadar, Gopalganj.
6. The Officer-In - Charge of Gopalganj Town Police Station, District - Gopalganj.
7. The Investigating Officer of Gopalganj Town, P.S. - Case No. 393/16.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Shankar Shrivastava, Advocate
For the Respondents : Mr. Vivek Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the parties.

Motorcycle of the petitioner bearing registration no.

BR 28 E5017 and another Hero Honda C.D. Deluxe bearing
registration no. BR 28K 6825 as well as a mobile phone of Samsung
made were seized by the police in connection with Gopalganj Town
P.S. Case No. 393 of 2016 for alleged violation of the Bihar Excise
Law.

The petitioner moved the learned court below for
release of the aforesaid vehicle and mobile phone. The prayer is still
pending on one pretext or other since 2016.



Submission of the learned counsel for the petitioner is that no purpose would be served by continued detention of the vehicle which is perishable till completion of the criminal trial because pre-trial confiscation of the seized article is challenged as alleged in L.P.A. No. 1647 of 2015 (Baleshwar Roy vs. The State of Bihar & Ors.) before a Larger Bench of this Court.

After hearing the parties, finding substance in the submission aforesaid, let both the aforesaid motorcycles as well as mobile phone be released in favour of the petitioner on execution of bank guarantee of Rs.50,000/- (rupees fifty thousand) for each of the motorcycles to the satisfaction of the learned court below where the case is pending/authority concerned.

The release shall be subject to the result of the L.P.A. aforesaid.

With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	18.10.2017
Transmission Date	18.10.2017

