

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1747 of 2017

Arising out of P.S. Case No. - null Year - null Thana - null District - JAMUI

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Sonal Kumar, Son of Prakash Paswan, R/o Rajender Nagar, Gachhi Tola,
Begusarai, P.S. and District - Begusarai, State Bihar

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary of Excise Govt. of Bihar at Patna.
2. The District Magistrate Jamui.
3. The Superintendent of Excise District Jamui.
4. The Superintendent of Police, Jamui.
5. The S.H.O. Sono.

.... Respondents

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Appearance :

For the Petitioner : Mr. Satya Prakash Parasar, Advocate

For the Respondents : Mr. Anil Kumar Singh, GA1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-11-2017

Heard learned counsel for the parties.

Maruti Suzuki Desire of the petitioner bearing registration no. BR09N-6282, Chasis No. MA3FSEB1S00457943, Engine No. D13A2144663 was seized by the police in connection with Sono P.S. Case No. 166 of 2017 for the offences under Sections 273, 272 of the Indian Penal Code and Sections 30(a), 41, 47 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

Submission of the learned counsel for the petitioner is that no purpose would be served by continued detention of the vehicle till completion of the criminal trial because pre-trial confiscation of the seized article is challenged 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 the aforesaid vehicle be released in favour of the petitioner on execution of bank guarantee of Rs.2,50,000/- (rupees two lakhs and fifty thousand) to the satisfaction of the learned court below/authority concerned where the case is pending, with condition that the petitioner would not dispose of the said vehicle or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

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.
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