

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1898 of 2017

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

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Gulshan Nathwani, S/o Laxmichand Nathwani, R/o H. No. 128/366, Chak No. 128,
Block No. H - 2, Kidwainagar, P.S. - Kidwainagar, District - Kanpur (U.P.).

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Department, Bihar, Patna.
2. The Superintendent of Police, Siwan.
3. The S.H.O., Siwan Muffasil P.S. - Siwan.

.... Respondents

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Advocate

For the Respondents : Md. Nadeem Seraj, GP5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-10-2017

Heard learned counsel for the parties.

Toyota ETIOS Car of the petitioner bearing
registration no. UP-78DZ-3546 was seized by the police in connection
with Siwan Muffasil P.S. Case No. 273 of 2016 for the offences under
Sections 419, 420, 467, 468, 471, 472, 120B/34 of the Indian Penal
Code and Section 25(1-b)a, 26, 35 of the Arms Act.

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.4,00,000/- (rupees four lakhs) 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.
Uploading Date	18.10.2017
Transmission Date	18.10.2017

