

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1958 of 2017

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

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Helal @ Md. Hlal, Son of Late Danish, resident of Village Gualtoli Nisharpatti, P.S
– Abadpur, District Katihar

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna
2. The District Magistrate, Katihar
3. The Superintendent of Police, Katihar
4. The S.H.O. Abadpur Police Station, P.S Abadpur, District Katihar

.... Respondents

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Appearance :

For the Petitioner : Mr. Mukesh Kumar Jha, Advocate

For the Respondents : Mr. Anil Kumar Sinha, G.A. 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-10-2017

Heard learned counsel for the parties.

Tempo of the petitioner bearing registration no. BR-39K-4160 was seized by the police in connection with Abadpur P.S. Case No. 121 of 2017 for alleged violation of the Bihar Excise Law.

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.1,00,000/- (rupees one lac) 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
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