

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1924 of 2017

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

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Uday Kumar, Son of Bhuneshwar Prasad, Resident of Mohalla - Tilha Dharmshala,
Nawagarhi, P.S. - Vishnupad, District - Gaya

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate-cum-Collector, Gaya.
2. The Superintendent of Police, Gaya.
3. The Superintendent of Police, Town, Gaya.
4. The Officer-in-Charge of Police (S.H.O.) Vishnupad P.S., Gaya.
5. Investigating Officer (I.O.), Vishnupad P.S., Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Sheikh Arkan Ahmad, Advocate

For the Respondents : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the parties.

2. Motorcycle of the petitioner bearing registration no.
BR02AF4594 was seized by the police in connection with Vishnupad
P.S. Case No. 144 of 2016 for alleged violation of the Bihar Excise
Law as foreign liquor was recovered from the said vehicle.

3. Learned counsel for the petitioner submits that a
confiscation proceeding has been initiated for confiscation of the
aforesaid vehicle in Confiscation Case No. 166 of 2017.

4. 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.

5. 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.50,000/- (rupees fifty thousand) or document of immovable property standing in the name of the petitioner 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.

6. The operation of confiscation proceeding, if any, pending or order of confiscation, if any, found in respect of the said vehicle shall remain in abeyance till disposal of the L.P.A. aforesaid and the same shall be subject to the final result of the L.P.A.

7. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	30.11.2017
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