

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1580 of 2017

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1. Saheb Reza @ Saheb Raza, Son of Wasil Ahmad, Resident of Araria,
Azad Nagar, P.S. & District Araria.

.... Petitioner/s

Versus

1. The State of Bihar Through The Home Secretary, The Government of Bihar, Patna.
2. The Collector, Araria.
3. The Superintendent of Police, Araria.
4. The Deputy Superintendent of Police, Araria.
5. Uday Ballbh, S/o Rambachan Singh, The Drug Inspector, Araria,
Permanent address- Resident of Village- Gulamehiabag, P.S.-
Didarganj, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Respondent/s : Mr. Partha Sarthy (GA-4)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and the State.

2. Scorpio vehicle of the petitioner bearing Engine
No.TDG 4D 82641 Chachis No.0208A BC 00250N-68 was
seized in connection with Araria (R.S.) P.S. Case No.350 of
2016, corresponding to Special Case No.22 of 2016, for alleged
violation of the N.D.P.S. Act as cough syrup was being carried
on the said vehicle.

3. By order dated 28.07.2017 the learned Special
Judge, Araria, has refused the prayer of the petitioner only on the
ground that the case is pending hence release cannot be ordered.



4. In the case of **Sunderbhai Ambalal Desai V. The State of Gujarat** reported in (2002) 10 SCC 283, the Hon'ble Apex Court observed in para-17 of the judgment as follows:

“In our view, whatever be the situation, it is of no use to keep such seized vehicles at the police stations for a long period. It is for the Magistrate to pass appropriate orders immediately by taking appropriate bond and guarantee as well as security for return of the said vehicles, if required at any point of time. This can be done pending hearing of the applications for return of such vehicles”

5. Considering the aforesaid observation as well as considering the fact that reason assigned by the learned Court-below is not cogent reason for refusal to release the vehicle and the impugned order is set aside and it is ordered that the vehicle be released in favour of the petitioner on execution of surety bond of Rs.8,00,000/- (Eight Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount each to the satisfaction of the concerned authority with condition that the petitioner would not dispose of the said vehicle without permission of the authority concerned and shall produce as and



when required by the Court.

6. With the aforesaid observation, this writ application stands disposed.

(Birendra Kumar, J)

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