

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2125 of 2017

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

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Krishna Kumar Verma, Son of Ratan Mahto, Resident of Village - Baradih, P.S. -
Barachatti, District - Gaya

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department, Bihar,
Patna.
2. The District Magistrate, Gaya.
3. The Senior Superintendent of Police, Gaya.
4. The Officer Incharge, Police Station Barachatti, District Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Arvind Kumar Singh, 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. The FIR would reveal that the recovery was made from
the passengers sitting on the vehicle.

3. Passenger Jeep Taxi of the petitioner bearing registration
no. JH-22A-1048 was seized by the police in connection with Barachatti
P.S. Case No. 198 of 2016 for alleged violation of the Bihar Excise Law.

4. By the impugned order dated 23.03.2017 passed in Cr.
Misc. No. 05 of 2017, the learned Sessions Judge, Gaya refused to release
the vehicle in favour of the petitioner on the ground that a confiscation
proceeding has been started.

5. The record reveals that Confiscation Case No. 24 of 2016
has already been initiated for confiscation of the said vehicle.

6. 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.

7. After hearing the parties, finding substance in the submission aforesaid, let the aforesaid vehicle be released in favour of the petitioner on execution of surety bond of Rs.3,00,000/- (rupees three lakhs) (not in the form of bank guarantee or cash) along with two sureties of the like amount 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 without permission of the authority concerned and shall produce as and when required by the Court.

8. 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.

9. 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
Transmission Date	30.11.2017

