

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1869 of 2017

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

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Ashok Kumar Singh Son of Late Ram Narayan Singh Resident of Village -
Katahara, P.S. Sultanganj, District : Bhagalpur

.... Petitioner

Versus

1. State of Bihar through Excise Superintendent of Bhojpur (Ara).
2. District Magistrate, Bhojpur (Ara).
3. Superintendent of Police, Bhojpur (Ara).
4. Officer-in-Charge, P.S. Ara - Nawada, Dist - Bhojpur (Ara).

.... Respondents

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Appearance :

For the Petitioner : Mr. Bachan Jee Ojha, Advocate

For the Respondents : Mr. Kumar Manish, SC5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-10-2017

Heard learned counsel for the parties.

Maruti Swift VDI Car of the petitioner bearing
registration no. BR10Q 2005 was seized by the police in connection
with Ara Nawada P.S. Case No. 671 of 2016 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
which is perishable till completion of the criminal trial because pre-
trial confiscation of the seized article is also bad which is already
under challenge 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.2,00,000/- (rupees two lakhs) to the satisfaction of the learned court below/authority concerned where the case is pending.

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

