

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2183 of 2017

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

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Anil Kumar Rai @ Anil Rai, Son of Late Radha Ray, Resident of Village + P.O. -
Karamhari, P.S. - Kudhani, District - Buxar

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Excise Patna.
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The SHO Dhansoi, Police Station, Lakhisarai

.... Respondents

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Appearance :

For the Petitioner : Mr. Sudhir Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the parties.

2. Bolero of the petitioner bearing registration no. CG12R-3379 was seized by the police in connection with Dhansoi P.S. Case No. 28 of 2017 for alleged violation of the Bihar Excise Law.

3. Allegation is that 2 bottles of foreign liquor each containing 750 ml. were recovered from the said vehicle.

4. By the impugned order dated 11.08.2017, the learned Additional District & Sessions Judge-II-cum-Special Judge, Excise, Buxar refused to release the vehicle in favour of the petitioner on the ground that confiscation proceeding has been initiated.

5. 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.

6. 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.6,00,000/- (rupees six 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.

7. 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.

8. 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

