

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2138 of 2017

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

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Abhay Kumar Yadav, Son of Sri Devnath Yadav, Resident of Village – Dariyatu,
P.O. Kamta, P.S + District Chatra (Jharkhand)

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary Excise Department, Patna
2. The Collector/District Magistrate, Gaya
3. The Superintendent of Police, Gaya
4. The S.I. Nishant Kumar, S.H.O. Magadh University Police Station, Gaya
5. The of S.I. Satendra Singh Magadh University Police Station, Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Sudhir Kumar Sinha, Advocate

For the Respondents : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsels for the parties.

2. Bolero of the petitioner bearing registration no. JH-13C/7105 was seized and Magadh University P.S. Case No. 101 of 2016 was registered under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that a confiscation proceeding has been initiated for confiscation of the aforesaid vehicle.

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.6,00,000/- (rupees six lakhs) 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. Considering the submission of the parties, let further proceeding of confiscation case pending before the Collector remain stayed till disposal of the L.P.A. aforesaid and the release shall be subject to the final result of the pending L.P.A.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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