

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2144 of 2017

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

=====

Santosh Kumar, Son of Late Rajendra Sahni, Resident of Village - Hajipur Raja
Tola Kushiyari, P.S. Chak Mehshi, District - Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna.
2. District Magistrate, Muzaffarpur.
3. Superintendent of Excise, Muzaffarpur.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Ravi Ranjan, Advocate

For the Respondents : Mr. Vivek Prasad, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the parties.

Bolero of the petitioner bearing registration no. BR06P-
1149, Chesis No. MAIXA2GAK52J17498, Engine No. GA54J38417
was seized by the police in connection with Pier P.S. Case No. 119 of
2017 for the offence under Section 290 of the Indian Penal Code and
Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

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.

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 each 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.

The release shall be subject to the final result of the pending 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	17.11.2017
Transmission Date	17.11.2017

