

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1879 of 2017

Arising out of P.S. Case No. - null Year - null Thana - null District - SITAMARHI

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Ashok Kumar @ Ashok Rai, Son of Birat Rai, R/o Village - Posua Patania
Buniyadi Tola, P.S. - Riga, District - Sitamarhi

.... Petitioner

Versus

1. The State of Bihar through the Collector, Sitamarhi.
2. The Collector, District Sitamarhi.
3. The Superintendent of Excise, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate

For the Respondents : Mr. Vivek Prasad, G.P. 7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the parties.

2. Auto of the petitioner bearing registration no. BR30P-7886 was seized by the police in connection with Complaint Case No. C2-321 of 2016 for alleged violation of the Bihar Excise Law as Nepali Soupi Wine was recovered from the said vehicle.

3. Learned counsel for the petitioner submits that a confiscation proceeding has been initiated for confiscation of the aforesaid vehicle in Confiscation Case No. 20 of 2017.

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.1,00,000/- (rupees one lakh) 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. 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.

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

(Birendra Kumar, J)

Kundan/-

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