

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2109 of 2017

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

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Ajay Hari, S/o Raj Kumar Hari, R/o Devkipur Chatraili, P.S.- Muffasil, Distt. -
Katihar

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department, Patna,
Bihar
2. The District Magistrate, Katihar
3. The Superintendent of Police, Katihar
4. The S.H.O. Muffasil Police Station, Katihar

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the parties.

Motorcycle of the petitioner bearing registration no. BR-
39Q-1595 was seized by the police in connection with Katihar
Muffasil P.S. Case No. 170 of 2017 for the offences under Sections
272, 273 of the Indian Penal Code and Section 30(a) 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 bank guarantee of Rs.50,000/- (rupees fifty thousand) or sale deed of immovable property standing in the name of the petitioner or his wife 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

