

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2181 of 2017

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

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Ajay Rai, S/o Late Mishri Rai, Resident of Village - Bajitpur, P.S. - Doriganj,
District - Saran (Chapra).

.... Petitioner

Versus

1. The State of Bihar, through its Secretary, Home Department, Govt. of Bihar, Patna
2. The Superintendent of Police, Saran.
3. The Deputy Superintendent of Police, Sonapur, Saran.
4. The S.H.O., Awatar Nagar Police Station, Saran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ravi Prakash, Advocate

For the Respondents : Mr. P.K. Verma, AAG-3

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. Truck of the petitioner bearing registration no. JH-02L-9431 was seized by the police in connection with Awtar Nagar P.S. Case No. 100 of 2017 for the offences under Sections 188, 379, 406, 420, 307, 353/34 of the Indian Penal Code and Section 40/11(a) of the BMC, Rule 1972.

3. 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 (**Baleswar Roy vs. The State of Bihar & Ors.**) before a Larger Bench of this Court.



4. 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.15,00,000/- (rupees fifteen 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.

5. The release shall be subject to the final result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	25.11.2017
Transmission Date	25.11.2017

