

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2201 of 2017

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

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Sohan Kumar, S/o Rampati Yadav, R/o Village - Itawan Khairi, P.S. - Kasma,
District - Aurangabad (Bihar)

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Excise Department,
Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Aurangabad (Bihar).
3. The Superintendent of Police, Aurangabad (Bihar).
4. The District Supply Officer, Aurangabad (Bihar).
5. The S.H.O. Kasma, P.S. – District - Aurangabad (Bihar).

.... Respondents

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Appearance :

For the Petitioner : Mr. Lal Bahadur Singh, Advocate

For the Respondents : Mr. Anil Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. Hero Honda Dream Motorcycle of the petitioner bearing registration no. BR-26 D-8318 was seized by the police in connection with Kasma P.S. Case No. 86 of 2017 for the offence under Section 37(b) of the Bihar Prohibition and Excise Law, 2016.

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 **(Baleshwar 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 surety bond of Rs.50,000/- (rupees fifty thousand) (not in the form of bank guarantee or cash) along with two sureties of the like amount 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

