

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2162 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

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Dharmendra Kumar, S/o Kaleshwar Rai @ Harish Chandra Rai, resident of Village
- Phulpura, P.O. Chaksikandar, P.S. Bidupur, District - Vaishali

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Dept. of Home.
2. The District Magistrate cum District Collector, Vaishali at Hajipur.
3. The Superintendent of Police, Vaishali at Hajipur.
4. The Excise Superintendent, Vaishali at Hajipur.
5. The Station House Officer, Goraul, Vaishali.
6. The Investigating Officer of Goraul P.S. Case No. 306/16.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manish Chandra Gandhi, Advocate

For the Respondents : Mr. Vikash Kumar, SC 11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. Wagon R of the petitioner bearing registration no. BR-31L-2710 was seized by the police in connection with Goraul P.S. Case No. 306 of 2016 for the offences under Sections 272, 273 of the Indian Penal Code and Sections 47(A), 54 and 57 of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that a confiscation proceeding has been initiated for confiscation of the aforesaid vehicle vide order dated 20.06.2017 passed in Misc. No. 32 of 2017-18.

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.3,00,000/- (rupees three 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.

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.
Uploading Date	25.11.2017
Transmission Date	25.11.2017

