

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2143 of 2017

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

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Manish Kumar Mishra, S/o Late Chandra Kishore Mishra, permanent resident of Mohalla Hela Bazar Lal Kothi, P.S. Hajipur Town, District Vaishali, At present R/o Mohalla Saim Chak, Chil Billi, P.S. Phulwari Sharif, District - Patna.

.... Petitioners

Versus

1. The State of Bihar through Director General of Police, Patna.
2. The Commissioner of Excise, Govt. of Bihar, Patna.
3. The Superintendent of Excise, Nawada.
4. The District Magistrate, Nawada.
5. The Inspector of Excise, Consolidated Check Post, Rajauli, Nawada.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manish Chandra Gandhi, Advocate

For the Respondents : Mr. Anil Kumar Sinha, GA1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. Scorpio of the petitioner bearing registration no.

BR-01PB-1604 was seized by the police in connection with G.O.

Case No. 1176 of 2017 for alleged violation of the Bihar Excise Law.

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 bank guarantee of Rs.4,00,000/- (rupees four 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

