

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2044 of 2017

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

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Shami Ahamad, S/o Nur Ahamad, R/o Village - Pirauchha (Beniwad), P.O. + P.S. -
Beniwad , District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary Old Secretariat, Patna
2. The Principal Secretary, Department of Excise, Bihar, Patna
3. The Principal Secretary Home Police, Bihar, Patna
4. The District Collector, Muzaffarpur, District Muzaffarpur
5. The Superintendent Excise, Muzaffarpur
6. S.H.O. Gaighat, P.S. District - Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Yogendra Kumar Singh, Advocate

For the Respondents : Mr. Anil Kumar Sinha, G.A. 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the parties.

Mahindra & Mahindra Jeep of the petitioner bearing
registration no. BR-1PA 1199 was seized by the police in connection
with Gaighat P.S. Case No. 193 of 2016 for the offences under
Sections 272, 273 of the Indian Penal Code and Sections 30(A), 35(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.4,00,000/- (rupees four lakhs) or sale deed in respect 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

