

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2161 of 2017

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

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Manoj Bhagat @ Manoj Kumar Bhagat, Son of Late Jaynarayan Bhagat, resident of Panjawara, P.S. - Panjawara, District - Banka.

.... Petitioner

Versus

1. The State of Bihar, through the Excise Commissioner. Govt. of Bihar, Patna.
2. The District Magistrate, Banka, District - Banka.
3. The Superintendent of Police, Banka, District - Banka.
4. The Excise Superintendent, Banka, District - Banka.
5. The Inspector cum Station House Officer, Panjawara, District - Banka.

.... Respondents

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Appearance :

For the Petitioner : Mr. Prahalad Kumar Bhagat, Advocate

For the Respondents : Mr. Vivek Prasad, G.P. 7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. Tempo of the petitioner bearing registration no. JH17L3525 was seized by the police in connection with Panjawara P.S. Case No. 28 of 2017 for the offences under Sections 32(a), 32(2) and 37(b) 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.

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.1,00,000/- (rupees one lakh) 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. Considering the submission of the parties, let further proceeding of confiscation case before the Collector, if any, remain stayed 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

