IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2218 of 2017
Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

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Mantu Kumar, Son of Kuldip Yadav, Resident of village - Magrama Tola Abadhpur, P.S.- Paraiya, District- Gaya

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary Excise Department, Patna.
2. The Collector/District Magistrate, Gaya.
3. The Superintendent of Police, Gaya.
4. The S.I. Dinesh Prasad Singh, Sherghati Police Station, Gaya.
5. The S.H.O. of Sherghati Police Station, Gaya

.... Respondents

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Appearance :
For the Petitioner : Mr. Sudhir Kumar Sinha, 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. Glamour Hero Motorcycle of the petitioner bearing registration no. BR-02AF/4377 was seized by the police in connection with Sherghati P.S. Case No. 610 of 2016 for the offences under Sections 272, 273, 414 of the Indian Penal Code and Sections 30(a), 32(2) of the Bihar Prohibition and Excise Act, 2016.

3. The record reveals that Confiscation Case No. 15 of 2017 has already been initiated for confiscation of the said 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

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(**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.50,000/- (rupees fifty thousand) 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 proceeding of the pending confiscation case shall remain in abeyance till disposal of the L.P.A. and the same shall be subject to the final result of the L.P.A. aforesaid.

7. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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