

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2247 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- EASTCHAMPARAN (MOTIHARI)

Manoj Sah, S/o Yogendra Sah, resident of Village - Bakhari Najir, P.O. + P.S. -
Mehsi, District East Champaran.

.... 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, Motihari, East Champaran.
5. The Superintendent Excise, Motihari, East Champaran
6. S.H.O. Mehsi P.S., District- East Champaran

.... Respondents

Appearance :

For the Petitioner : Mr. Nitu Kumari, Advocate

For the Respondents : Mr. Vikash Kumar, SC 11

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. Mahindra Bolero of the petitioner bearing registration no. BR06 PD 4147 was seized by the police in connection with Mehsi P.S. Case No. 276 of 2017 for the offences under Sections 30 and 38 of the Bihar Prohibition and Excise Act, 2016.

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.5,00,000/- (rupees five 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

