

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2359 of 2017

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

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Raushan Kumar, S/O Dashai Mahto, Resident of Village/Mohalla – Sherpur, P.O.
MIC Bela, P.S. Sadar, 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. Inspector Excise, East Range, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Nitu Kumari, Advocate

For the Respondents : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

2. Motorcycle of the petitioner bearing registration no.
BR06AZ-8953 was seized by the police in connection with Excise
Case No. 111 of 2017 for alleged violation of the Bihar Excise Law.

3. Allegation is that approximately 10 litres of foreign
liquor was, allegedly, recovered from the motorcycle of the petitioner.

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.50,000/- (rupees fifty thousand) or document of immovable property of equal value 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 without permission of the authority concerned and shall produce as and when required by the Court.

6. The release shall be subject to the final result of the pending 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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