

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2383 of 2017

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

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Ravi Raj, Son of Kailash Yadav, Resident of Bataspur, P.S. Chanan, District-
Lakhisarai

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary of Excise, Govt. of Bihar at Patna.
2. The District Magistrate, Jamui.
3. The Superintendent of Excise District Jamui.
4. The Superintendent of Police, Jamui.
5. The S.H.O. Sono

.... Respondents

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Appearance :

For the Petitioner : Mr. Satya Prakash Parasar, Advocate

For the Respondents : Mr. Vikash Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. Passion PRO Motorcycle of the petitioner bearing

Chassis no. MBLHAR18XHHC08055, Engine No.

HA10ACHHC74666 was seized by the police in connection with

Sono P.S. Case No. 135 of 2017 for the offences under Sections 272,

273 of the Indian Penal Code and Sections 30(a), 41, 47 of the Bihar

Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that

petitioner has filed a petition before the learned court below which is

pending in the court of learned Additional Chief Judicial Magistrate-

1st, Jamui.

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 surety bond of Rs.60,000/- (rupees sixty thousand) (not in the form of bank guarantee or cash) along with two sureties of the like amount 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 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.
Uploading Date	25.11.2017
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