

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2512 of 2017

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

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1. Anish Kumar Thakur @ Anis Kumar Thakur, Son of Indranand Thakur,
resident of Mahananda Colony, P.S. Katihar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Katihar.
4. The Station House Officer, Mufassil, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, GA-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the petitioner and the State.

2. The Piaggio three-wheeler of this petitioner bearing registration No.BR-11T/4976 was seized in connection with Kathihar Mufassil P.S. Case No.214 of 2017 for alleged violation of the Bihar Excise Law.

3. Submission of the learned counsel of the petitioner is that the continued seizure of the vehicle would serve no purpose and its confiscation and auction would amount to pre-trial punishment, which is not permissible in law and the same issue is pending consideration before a larger Bench of this Court in **LPA No.1647 of**



2015 Baleshwar Roy V. The State of Bihar & Ors. In the circumstances, till pendency of the L.P.A. aforesaid, the vehicle, in question, be released in favour of the petitioner as no purpose is going to be served by its continued detention in police lockup.

4. Since no purpose is going to be served by continued detention of the vehicle, let the same be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.1,00,000/- (One lac), not in the form of cash/Bank Guarantee, 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 without permission of the authority concerned and shall produce as and when required by the Court. The release shall be subject to the result of the L.P.A. aforesaid.

5. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
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