

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2461 of 2017

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

- =====
1. Chandra Bhushan Kumar @ Chandrabhushan Kumar, (Owner of Seized Bolero Jeep, bearing no.- BR-06PA6255), S/o Sri Ram Tiwary, Resident of Village- Bhagwanpur Pakri, P.O.- Manikpur, P.S.- Lalganj, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Government of Bihar, Excise Department, Patna.
2. Collector, Muzaffarpur.
3. Senior Superintendent of Police, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K. Arun, Advocate

For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

2. The vehicle of this petitioner bearing registration No.BR-06PA/6255 was seized in connection with Muzaffarpur Town P.S. Case No.526 of 2017 for alleged violation of the Bihar Excise Law. Subsequently Confiscation Case No.231 of 2017-18 was initiated by the Collector, Muzaffarpur.

3. This application has been preferred for release of the vehicle, bearing registration No.BR-06PA/6255, seized in connection with the aforesaid case.

4. 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.** Hence, till adjudication of the aforesaid issue the Confiscation Case No.231 of 2017-18 be stayed and interim release of the vehicle be ordered as no purpose is going to be served by its continued detention in police lockup.

5. The learned counsel for the State-respondent has opposed the prayer. However, does not dispute the aforesaid factual position of the pending issue in the L.P.A. aforesaid.

6. Finding substance in the submission aforesaid, let referred vehicle be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.4,00,000/- (Four Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount each to the satisfaction of the learned Court-below/concerned authority 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. Further proceeding of Confiscation Case No.231 of 2017-18 shall remain stayed till disposal of the



L.P.A. aforesaid. This order shall be subject to the result of the
L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2017
Transmission Date	17.12.2017

