

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2462 of 2017

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

- =====
1. Prem Raj, Son of Lal Babu Prasad, Resident of Mohalla- Sanjay Gandhi Nagar, Road No.7, Hanuman Nagar, Police Station- Kankarbagh and District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Registration, Excise And Prohibition Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Nawada.
3. The Senior Superintendent of Police, Nawada
4. The Superintendent of Police, Excise, Nawada.
5. The Officer in Charge, Rajauli Police Station, District- Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, 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 petitioner and the State.

2. The vehicle of this petitioner bearing registration No.BR-01BZ/6791 was seized in connection with Excise Case No.1352 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.** Hence, till



adjudication of the aforesaid issue the interim release of the vehicle be ordered 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.4,00,000/- (Four lacs), 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.

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
Transmission Date	

