

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2135 of 2017

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

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Shriram Sah, S/o Vishwanath Sah, R/o Village – Kanhauli Purani Bazar, P.S. -
Jhanjharpur, District - Madhubani

.... Petitioner

Versus

1. The State of Bihar through the Secretary Department of Excise Government of Bihar, Patna.
2. The District Magistrate, Madhubani
3. The Superintendent of Police, Madhubani
4. The Officer in Charge, Jhanjharpur Police Station, Madhubani

.... Respondents

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Appearance :

For the Petitioner : Mr. Gagam Deo Yadav, Advocate

For the Respondents : Mr. Anil Kumar Sinha, G.A. 1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the parties.

2. Motorcycle of the petitioner bearing registration no. BR325-6264 was seized by the police in connection with Jhanjharpur P.S. Case No. 15 of 2017 for the offences under Sections 290, 272, 273 of the Indian Penal Code and Sections 30(a)/37(b)(c) of the Bihar Prohibition and Excise Act, 2016.

3. 1.5 litre foreign liquor was recovered from the vehicle 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 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 or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

6. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	30.11.2017
Transmission Date	30.11.2017

