

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2495 of 2017

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

- =====
1. Krishna Pratap Singh @ Bhola Singh, S/o Itendra Singh, Resident of Village-Sarna Sagar Tola, P.S.- Darauli, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Excise Department, Siwan.
4. The Officer in Charge- Darauli Police Station, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

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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 Motorcycle of this petitioner bearing registration No.BR-29S/9302 was seized in connection with Darauli P.S. Case No.14 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 confiscation proceeding 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.

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.50,000/- (Fifty Thousand), 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. Let operation of the Confiscation Case No.120 of 2017-18 remain in abeyance till disposal of the L.P.A. aforesaid and shall be subject to the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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