

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2274 of 2017

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

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Sandip Kumar, Son of Narmadeshwar Prasad Singh, resident of village Bariarpur,
Police Station Balia, District Begusarai

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise Old Secretariat, Patna
2. Principal Secretary Excise Department, Old Secretariat, Bihar, Patna
3. The Divisional Commissioner, Munger
4. Collector-cum-D.M. Begusaria
5. Superintendent of Police, Begusarai
6. The Station House Officer, Police Station Nayagaon, District Begusarai

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Ranjan, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the parties.

Maruti Alto Car K-10 of the petitioner bearing
registration no. BR09M/5509, Engine No. KIBN7264425, Chesis No.
MA3EADE1S00466790 and one Samsung Smart Phone of silver
colour with SIM bearing no. 7781974775 of Airtel were seized by the
police in connection with Nayagaon P.S. Case No. 29 of 2017 for the
offences under Section 414 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

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.

After hearing the parties, finding substance in the submission aforesaid, let the aforesaid vehicle and mobile phone with SIM be released in favour of the petitioner on execution of surety bond of Rs.3,00,000/- (rupees three lakhs) (not in the form of bank guarantee or cash) 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.

The release shall be subject to the final result of the pending L.P.A. aforesaid.

With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	17.11.2017
Transmission Date	17.11.2017

