

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2124 of 2017

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

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Ram Pravesh Singh, Son of Late Janardan Singh, Resident of Village - Bhatua,
Police Station Nawanagar, District - Buxar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department,
Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The S.H.O., Nawanagar, Buxar.

... Respondents

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Appearance :

For the Petitioner : Mr. Rahul Nath, Advocate

For the Respondents : Mr. Vivek Prasad, G.P. 7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. Motorcycle of the petitioner bearing registration
no. BR035-9141 was seized by the police in connection with
Nawanagar P.S. Case No. 103 of 2017 for the offences under Sections
272, 273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. 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.



4. After hearing the parties, finding substance in the submission aforesaid, let the aforesaid vehicle be released in favour of the petitioner on execution of surety bond of Rs.50,000/- (rupees fifty thousand) (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.

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

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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