

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2129 of 2017

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

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Dilip Kumar Gupta @ Dilip Kumar Prasad, Son of Shiv Naryan Gupta, Resident of
Village - Dhanushi, P.S. - Lalmaniyan (O.P.), District - Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Excise Department,
Government of Bihar, Patna.
2. The Inspector General, Darbhanga Commissioner, Darbhanga.
3. The Director Inspector General, Darbhanga Commissioner, District -
Darbhanga.
4. The Superintendent of Police, District - Madhubani.
5. The Deputy Superintendent of Police Fulparash, District - Madhubani.
6. The Police-in-Charge of Laukha, Police Station District - Madhubani.
7. The Investigating Officer of Laukha P.S. Case No. 78 of 2017, District -
Madhubani.

.... Respondents

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Appearance :

For the Petitioner : Mr. Subhash Kumar Jha, Advocate

For the Respondents : Mr. Kumar Manish, S.C.-5

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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. BR32M-1137 was seized by the police in connection with Laukha
P.S. Case No. 78 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. Learned counsel for the petitioner submits that he
has filed a petition before the learned court below for release of the
vehicle but the same is pending.

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.60,000/- (rupees sixty thousand) or 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. The release shall be subject to the final result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	25.11.2017
Transmission Date	25.11.2017

