

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Writ Jurisdiction Case No. 2163 of 2017**

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

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Rahul Kumar, Son of Dr. Amod Kumar, Resident of Mohalla – Raghuhari Complex, Main Saketpuri, Hanuman Nagar, Vijay Nagar, Police Station Patrakar Nagar, District Patna

.... .... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Excise Department, Govt. of Bihar, Patna
2. The District Magistrate, Patna
3. The Superintendent of Police, Patna
4. The S.H.O., Patrakar Nagar Police Station, District Patna

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Yogendra Kumar Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**

**ORAL JUDGMENT**

**Date: 22-11-2017**

Heard learned counsel for the parties.

2. Alto K10 VXi of the petitioner bearing registration no. BR01DB-7445 was seized by the police in connection with Patrakar Nagar P.S. Case No. 443 of 2017 for the offences under Section 37(c) 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.1,00,000/- (rupees one lakh) (not in the form of bank guarantee or cash) 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 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)**

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| AFR/NAFR          | N.A.       |
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