

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2569 of 2017

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

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1. Shila Devi, Wife of Vijay Kumar Sahani, Resident of Village- Malma
Pashchim, P.S.- Kaluahi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police, Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Superintendent of Police, Madhubani.
4. The Officer Incharge, Basopatti, Police Station, Madhubani.
5. The Anchal Adhikari cum Block Supply Officer, Basopatti, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Respondent/s : Mr. Partha Sarthy, GA-4

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-12-2017

Heard learned counsel for the parties.

2. The vehicle of this petitioner bearing registration
No.BR-32GA/1588 was seized in connection with Basopatti P.S.
Case No.151 of 2017, a case under Section 7 of the Essential
Commodities Act.

3. This writ application has been preferred for release of
the vehicle bearing registration No. BR-32GA/1588.

4. 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,
interim release of the vehicle be ordered as no purpose is going to



be served by its continued detention in police lockup.

5. The learned counsel for the State-respondent has opposed the prayer. However, does not dispute the aforesaid factual position of the pending issue in the L.P.A. aforesaid.

6. Finding substance in the submission of the learned counsel for the petitioner especially the fact that no purpose would be served by continued detention of the said vehicle, let referred vehicle be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.5,00,000/- (Five Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount each to the satisfaction of the concerned authority 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. Further proceeding of Confiscation Case, if any, shall remain stayed till disposal of the L.P.A. aforesaid. This order shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.12.2017
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