

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1990 of 2017

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

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Bipul Kumar, S/o Jay Mangal Kunwar, R/o Chandmari Road, Bir Kunwar Singh
Road No. 11, P.S. Kankerbagh, Patna owner of Maxi Van BR-01-GE6697

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department
2. The Senior Superintendent of Police, Patna
3. The Station House Officer, Agamkuan Police Station, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Jagannath 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: 01-11-2017

Heard learned counsel for the parties.

Maxi Van of the petitioner bearing registration no.
BR01-GE6697 was seized by the police in connection with Agamkuan
P.S. Case No. 485 of 2017 arising out of Spl. Case No. 6699 of 2017
for the offence under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) 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 be released in favour of the petitioner on execution of bank guarantee of Rs.3,00,000/- (rupees three lakhs) 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 result of the 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	03.11.2012
Transmission Date	03.11.2012

