

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1931 of 2017

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

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Lal Mohammad Khan, Son of Late Nizamuddin Khan, resident of village Dumraon,
P.S. Dumraon, District Buxar

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Excise & Prohibition, Government of Bihar, Patna
3. The Excise Commissioner, Department of Excise & Prohibition, Government of Bihar, Patna
4. The Collector, Buxar, District Buxar
5. The Superintendent of Police, Buxar
6. The Station House Officer, Brahampur Police Station, District Buxar

.... Respondents

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Appearance :

For the Petitioner : Mr. Mahtab Alam, Advocate
For the Respondents : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 17-10-2017

Heard learned counsel for the parties.

Scorpio of the petitioner bearing registration no. BR
44P-0961, Engine No. HA94L32456, Chasis No. MAIJA2HAN92L
30404 was seized by the police in connection with Brahampur P.S.
Case No. 178 of 2017 for alleged violation of the Bihar Excise Law.

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.6,00,000/- (rupees six 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	18.10.2017
Transmission Date	18.10.2017

