

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2408 of 2017

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

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Yogendra Prasad Gupta, son of Sri Devi Sah Gupta @ Sri Devi Dayal Sah, @ Shri Devi Dayal Gupta, resident of Mohalla - Choudhariyana Ara, P.S. - Ara, District - Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Patna.
2. The Principal Secretary, Excise Department, Govt. of Bihar, Patna.
3. The Home Secretary, Government of Bihar, Patna.
4. The Director General of Police, Govt. of Bihar, Patna.
5. The District Magistrate, Patna.
6. The Additional Collector, Patna.
7. The Superintendent of Police-cum-officer Incharge of Economic offence P.S. Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Nil Kamal, Advocate
Miss Kumari Priyanka, Advocate
For the Respondents : Mr. Vikash Kumar, S.C.-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. This writ application has been preferred for quashing the order dated 26.09.2017 passed by the Collector, Patna in connection with Confiscation Case No. 23 of 2016-17 vide Annexure-3 whereby the Collector has refused to release the seized Scorpio bearing registration no. BR-03P-4994 which was seized in connection with Patna Economic Offence Police Station Case No. 17 of 2016 registered under Sections 30(A), 38 and 41 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.2,00,000/- (rupees two lakhs) (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 operation of the impugned order shall remain stayed and 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)

Kundan/-

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

