

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2199 of 2017

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

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Dr. Gaurav Arun, S/o Late Arun Kumar Singh, R/o - Harihar Singh Road,
Moradabadi, P.S. - Bariatu, District - Ranchi (Jharkhand)

.... Petitioner

Versus

1. State of Bihar through the Principal Secretary Department of Excise Bihar, Patna.
2. Secretary, Department of Excise, Bihar, Patna.
3. The District Magistrate cum Collector, Nawada at Nawada.
4. The Superintendent of Police Nawada at Nawada.
5. The Inspector of Police, Excise Department, Samekit Check Post, Rajauli, Nawada

.... Respondents

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Appearance :

For the Petitioner : Mr. Amresh Kumar Sinha, Advocate

For the Respondents : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. Hundai Car of the petitioner bearing registration no. JH-01 AM 7722 was seized by the police in connection with G.O. Case No. 129 of 2017 for the offence under Section 30(a) 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.4,00,000/- (rupees four 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 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

