

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2361 of 2017

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

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Panchi Lal Mahto @ Panchhi Lal Mahto, son of Late Sone Lal Mahto, Resident of Village- Udhba Bara, P.O. & P.S.- Laukaha, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna.
2. The Secretary, Department of Excise Government of Bihar, Patna.
3. The District Magistrate-cum-Collector, Madhubani.
4. The S.P. Madhubani.
5. The Officer Incharge, Laukaha Police Station, Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Adv.
For the Respondent/s : Mr. Anil Kumar Sinha, G.A.-1.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

2. Motorcycle of the petitioner bearing Registration No. BR32Q/6167 was seized in connection with Laukaha P.S.Case No.224 of 2017.

3. Prayer is for release of ad interim of the same in favour of the petitioner on the ground that no purpose would be served by its continued detention in police lockup till conclusion of the trial, especially, in view of the fact that pre-trial confiscation and auction would amount to the pre-trial punishment which is against the law and the aforesaid issue is pending consideration before a Division



Bench of this Court in **LPA No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.** Hence, till adjudication of the aforesaid issue, the vehicle be released in favour of the petitioner by way of ad interim custody.

4. Considering the pendency of the aforesaid issue under consideration, let the referred vehicle be released in favour of the petitioner by way of ad interim custody on execution of bank guarantee of Rs.50,000/- (Fifty Thousand) or document of immovable property of equal value standing in the name of the petitioner 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. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
Transmission Date	08.12.2017

