

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1955 of 2017

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

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1. Bineet Sharma S/o Raman Kumar Sharma, R/o H.No.42-B Jawaha Market,
Nangal Chowk, P.S.- Nangal, District- Rupnagar (Punjab).

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary Excise Department, Patna.
2. The Collector/District Magistrate, Nawada.
3. The Superintendent of Police, Nawada.
4. The Police Inspector , Deepak Prakash Economic offence unit Bihar, Patna.
5. The S.I. Ranjan Kumar, Hisua Police Station, Nawada.
6. The S.H.O. of Hisua Police Station, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Respondent/s : Mr. D. K. Verma, AC to SC-11
For the E.O.U. : Mr. Akhileshwar Prasad Singh, Sr. Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the petitioner and the State.

2. This writ application has been preferred for interim release of the truck bearing registration No.PB-12M/8725, which was seized in connection with Hisua P.S. Case No.265 of 2016, a case registered for violation of the Bihar Excise Law.

3. There is no dispute that commercial quantity of liquor was recovered from the said vehicle and the Division Bench of this Court in **CWJC No.13670 of 2017 (Subhash Thakur vs. The State of Bihar and others)** had ordered interim release of the vehicle only on furnishing bank guarantee equivalent to the cost of the vehicle in the event of seizure of commercial quantity of liquor.



4. Submission of the learned counsel of the petitioner is that the continued seizure of the vehicle would serve no purpose and its confiscation and auction would amount to pre-trial punishment, which is not permissible in law and the same issue is pending consideration in **L.P.A. No.1647 of 2015.**

5. Learned counsel for the respondent opposed the prayer.

6. Considering the aforesaid fact, let the referred vehicle be released in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.15,00,000/- (Fifteen Lacs) or sale deed of immovable property of equal value standing in the name of the petitioner or any of his family members** 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 without permission of the authority concerned and shall produce as and when required by the Court.

7. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.11.2017
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