

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2186 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- EASTCHAMPARAN (MOTIHARI)

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Muslim Ansari, S/o Nathuni Mian, Resident of Village - Anandi Chhapra, P.S.
Sahebganj, District – Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar, through Principal Secretary, Excise Department, Bihar.
2. The District Magistrate, East Champaran at Motihari.
3. The Superintendent of Police, East Champaran at Motihari, District - East Champaran.
4. S.H.O. Dumariyaghat Police Station District - East Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Binod Kumar Singh, Advocate

For the Respondents : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the parties.

2. Bolero of the petitioner bearing registration no. BR06PB-7989 was seized by the police in connection with Dumariyaghat P.S. Case No. 86 of 2017 for alleged violation of the Bihar Excise Law.

3. Allegation is that 750 ml. broken seal bottle and 300 ml. sealed bottle of foreign liquor were recovered from the said vehicle.

4. By the impugned order dated 30.08.2017, the learned Special Judge, Excise, Motihari refused to release the vehicle in favour of the petitioner on the ground that confiscation proceeding has been initiated.

5. 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.

6. 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.6,00,000/- (rupees six 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 without permission of the authority concerned and shall produce as and when required by the Court.

7. The release shall be subject to the final result of the pending L.P.A. aforesaid.

8. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	30.11.2017
Transmission Date	30.11.2017

