

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1889 of 2017

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

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Abhinav Singh @ Abhinav Kumar Singh, Son of Yogendra Pd. Singh @ Yogendra Singh, resident of Dhobghat, P.S. - Khaira, District - Jamui.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Excise, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Jamui.
3. The Superintendent of Excise, Jamui.
4. S.H.O. Jamui.

.... Respondents

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Appearance :

For the Petitioner : Mr. Satya Prakash Parasar, Advocate

For the Respondents : Mr. Anil Kumar Sinha, G.A.1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-11-2017

Heard learned counsel for the parties.

Pickup Van of the petitioner bearing registration no. BR46C/3449 was seized by the police in connection with Jamui Town P.S. Case No. 93 of 2017 for the offences under Sections 272, 273 of the Indian Penal Code and Section 30(A) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

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.

After hearing the parties, finding substance in the



submission aforesaid, let the aforesaid vehicle be released in favour of the petitioner on execution of bank guarantee of Rs.3,00,000/- (rupees three lakhs) 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.

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

With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	03.11.2017
Transmission Date	03.11.2017

