

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2169 of 2017

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

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AJAY KUMAR @ PARLEJEE, Son of Balso Singh, Resident of Village - Bihat
(Zero Mile), P.S. Barauni (Zero Mile), District - Begusarai.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise,
Government of Bihar, Patna .
2. The Collector -Cum-District Magistrate, Begusarai.
3. The Superintendent of Police, Begusarai.
4. The S.H.O. Barauni (Zero Mile). P.S. District - Begusarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sada Nand Roy, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

2. The motorcycle of the petitioner bearing registration no. BR-09J-4980 was seized in connection with Barauni (Zero Mile) P.S. Case No. 335 of 2016, a case registered for alleged violation of the applicable Bihar Excise Law. Subsequently, Confiscation Case No. 14 of 2017 was initiated for confiscation of the aforesaid vehicle. Thereafter, the petitioner has moved this Court for interim release of the seized motorcycle and for setting aside the order dated 03.07.2017 passed in Confiscation Case No. 14 of 2017 by the District Magistrate, Begusarai.

3. The prayer is on the ground that pre-trial confiscation would amount to pre-trial punishment which is bad in



law and the matter is sub judice before a Larger Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**). Hence, till adjudication of the aforesaid issue, the vehicle be released in favour of the petitioner.

4. Finding substance in the submission aforesaid, let the aforesaid vehicle be released in favour of the petitioner on execution of bank guarantee of Rs.50,000/- (rupees 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 without permission of the authority concerned and shall produce as and when required by the Court.

5. The operation of the impugned order shall remain stayed till disposal of the L.P.A. and 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.
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