

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2198 of 2017

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

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Ram Chandra Yadav, Son of Jagdev Yadv, resident of Village - Sisba Basudeopur,
P.S. - Gogari, District - Khagaria

.... Petitioner

Versus

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

.... Respondents

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Appearance :

For the Petitioner : Mr. Anil Kumar Choudhary, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. Motorcycle of the petitioner bearing registration no.
BR34C/4012 was seized by the police in connection with Gogari P.S.
Case No. 366 of 2017 for alleged violation of the Bihar Excise Law.

3. By the impugned order dated 20.09.2017, the learned
3rd Additional Sessions Judge, Khagaria refused to release the vehicle
in favour of the petitioner in the light of Section 60 of the Bihar
Prohibition and Excise Act, 2016.

4. 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.

5. 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.50,000/- (rupees fifty thousand) (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.

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

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	25.11.2017
Transmission Date	25.11.2017

