

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2192 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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Meena Devi, wife of Kamlesh Chauhan, resident of Village- Saren, Police Station- Makhdumpur, District- Jehanabad.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda at Biharsharif.
3. The Superintendent of Police, Nalanda at Biharsharif.
4. The Deputy Superintendent of Police, Hilsa, District- Nalanda.
5. The Officer Incharge and Investigating Officer of this case of Aungari Police Station, District- Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Respondent/s : Mr. Anil Kumar Sinha, G.A.-1.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 28-11-2017

Heard learned counsel for the parties.

2. Hero Honda Motorcycle of the petitioner bearing Registration No. BR25D-127 was seized in connection with Aungari P.S.Case No.53 of 2017.

3. Prayer is for release of ad interim of the same in favour of the petitioner on the ground that no purpose would be served by its continued detention in police lockup till conclusion of the trial, especially, in view of the fact that pre-trial confiscation and auction would amount to the pre-trial punishment which is against the law and the aforesaid issue is pending consideration before a Division



Bench of this Court in **LPA No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.** Hence, till adjudication of the aforesaid issue, the vehicle be released in favour of the petitioner by way of ad interim custody.

4. After hearing the parties and considering the substance in the aforesaid submission, it is ordered that the further proceeding of confiscation etc., if any, pending, shall remain stayed arising out of the aforesaid case and the vehicle is ordered to be released in favour of the petitioner on execution of surety bond of Rs.50,000/- (Fifty Thousand) along with two sureties of the like amount (not in the form of bank guarantee or cash). The release would be subject to the final result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.11.2017
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