

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2099 of 2017

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

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Krishna Yadav, S/O Latan Yadav, Resident of Karkatia Run Madak, P.O. –
Gandhishanpur, P.S. Chakia, District – Jamui (Bihar)

.... 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., Chakia, Jamui

.... Respondents

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Appearance :

For the Petitioner : Mr. Satya Prakash Parasar, Advocate

For the Respondents : Mr. Vivek Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 13-12-2017

Heard learned counsel for the parties.

2. The petitioner claims to be owner of the vehicle bearing registration no. BR 46B 6743 which was seized in connection with Khaira P.S. Case No. 197 of 2017 registered under Sections 272/273 of the Indian Penal Code as well as Section 30(A) of the Bihar Prohibition and Excise Act, 2016 as the same was carrying liquor.

3. 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.

4. 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.2,50,000/- (rupees two lakhs and fifty thousand) or 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 or put the same under encumbrance without permission of the authority concerned and shall produce as and when required by the Court.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	16.12.2017
Transmission Date	16.12.2017

