

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2105 of 2017

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

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Birendra Prasad Yadav, Son of Saty Narayan Yadav, Resident of Village - Sakhua
Bhabtiyahi, P.S.- Laukahi, District - Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Excise, Government of Bihar, Patna
2. The District Magistrate, Madhubani
3. The Superintendent of Police, Madhubani
4. The Officer in Charge, Laukahi Police Station

.... Respondents

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Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate

For the Respondents : Mr. Vivek Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Learned counsel for the petitioner seeks permission to make necessary correction in paragraph no. 1 of the writ petition in course of the day.

Prayer is allowed.

Heard learned counsel for the parties.

Motorcycle of the petitioner bearing registration no. BR50C/3906 was seized by the police in connection with Laukahi P.S. Case No. 156 of 2016 for the offences under Sections 272, 273 of the Indian Penal Code and Sections 47(a), 54 of the Bihar Prohibitin and Excise 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.50,000/- (rupees fifty thousand) or document of immovable property standing in the name of the petitioner or his wife 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 final result of the pending 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	17.11.2017
Transmission Date	17.11.2017

