

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2139 of 2017

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Raj Kumar Choudhary, Son of Late Mahendra Choudhary, Resident of Village-Dhanaur, P.S.- Katra, District-Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar , Patn.
2. District Magistrate, Muzaffarpur.
3. Superintendent of Excise, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, 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: 08-11-2017

Heard learned counsel for the parties.

One bottle of liquor was recovered from the vehicle of the petitioner bearing Engine No. E154949, Chassis No. MEEBBA000H5498448 and for that Gaighat P.S. Case No. 180 of 2017 was registered. The vehicle as well as cash of Rs. 2,94,500/- of the petitioner was seized and Confiscation Case No. 179 of 2017-18 was initiated.

By filing the present writ application, the prayer for interim release of vehicle of the petitioner as well as cash on the ground that the pre-trial punishment is bad-in-law and the issue is under challenge and pending consideration before a larger Bench of this Court in **LPA No.1647 of 2015 Baleshwar Roy V. The State**



of Bihar & Ors.

Considering the pendency of the aforesaid issue, let the vehicle as well as the cash be released by way of interim custody in favour of the petitioner on execution of surety of bond of Rs.4,00,000/- (Four Lacs), not in the form of cash/Bank Guarantee, 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.

With the aforesaid observation, this writ application is disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.11.2017
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