

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2279 of 2017

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

=====

Rajeev Kumar, Son of Surendra Sharma, Resident of Village - Aira, Post Office - Aira, Police Station - Sakurabad, District - Jehanabad.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Superintendent of Police, Patna (West), Patna.
4. The Sub-Divisional Police Officer, Paliganj, Patna.
5. The Officer-incharge, Dulhin Bazar, Police Station Patna

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Mritunjay Kumar, Advocate

For the Respondents : Mr. Kumar Manish, SC V

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the parties.

Mahindra Scorpio, Model S-2 of the petitioner bearing temporary registration no. BHR1BQ2850, Chesis No. MA1TA2TDKH2E45644, Engine No. TDH4E76553 was seized by the police in connection with Dulhin Bazar P.S. Case No. 231 of 2017 for the offence under Section 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that the petitioner moved before the court below in Special Case No. 6648 of 2017 which is pending in the court learned Additional District & Sessions Judge-VIII-cum-Special Judge, Excise, Patna.

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.9,00,000/- (rupees nine lakhs) or document of immovable property of equal value 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

