

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2042 of 2017

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

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Saif Ali Sah, S/o Jumman Sah, R/o Village - Gopalpur, P.O. - Bakarganj, P.S. - Hussainganj, District - Siwan, At present Ariyari, Shekhpura.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Excise, Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Police, Siwan.
4. The Officer-In-Charge, Hussainganj Police Station, P.S. - Hussainganj, District - Siwan.

.... Respondents

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Appearance :

For the Petitioner : Mr. Hemant Kumar Sharan, Advocate

For the Respondents : Mr. Vikash Kumar, SC XI

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the parties.

LMV Bolero of the petitioner bearing registration no.

JH17D 6339, Engine No. GHC4A11545, Chesis No. MAIXA2GH

KC2 A63126 was seized by the police in connection with Hussainganj

P.S. Case No. 37 of 2017 for alleged violation of the Bihar Excise

Law.

The petitioner moved before the learned court below for release of the aforesaid vehicle but the same is still pending.

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 surety bond of Rs.8,00,000/- (rupees eight lakhs) (not in the form of bank guarantee or cash) along with two sureties of the like amount each 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.

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

