

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2339 of 2017

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

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Ram Laddu Singh, Son of Late Haricharan Singh, Resident of Village - Nilkanth
Tola Goriya Astha, P.S. - Maner, District - Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Bihar, Patna
3. The Sr. Superintendent of Police, Patna
4. The Dy. S.P. Danapur
5. The Officer Incharge, Police Station, Maner

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Kumar Sinha, Advocate

For the Respondents : Mr. Dr. Mankeshwar Tiwari, A.C. to A.A.G.-7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

2. The petitioner claims to be owner of the Bolero Pick-up Van bearing registration no. BR-03K/7043 which was seized in connection with Maner P.S. Case No. 382 of 2017 registered under Sections 329/411/34 of the Indian Penal Code as well as Section 7 of the Essential Commodities Act as the same was carrying rice.

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 surety bond of Rs.5,00,000/- (rupees five lakhs) (not in the form of bank guarantee or cash) 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 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.

6. With the aforesaid observation, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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