

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2434 of 2017

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Dhiraj Kumar, Son of Balram Prasad Singh, Resident of Village- Maheshwara,
P.S.- New Kothi, District- Begusarai. Petitioner

Versus

1. The State of Bihar.
 2. The Commissioner, Excise, Patna, Bihar.
 3. The Collector, Lakhisarai.
 4. The Superintendent of Police, Lakhisarai.
 5. The Officer-in-Charge of Police Station, Barahiya. Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1, Adv.

For the Respondent/s : Mr. A.K.Sinha, G.A.-1.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the parties.

2. Maruti EECO 5 Star AC Car of this petitioner bearing Registration No. BR1CN 5795 was seized in connection with Barahiya P.S. Case No. 58 of 2017 for alleged violation of the Bihar Excise Laws.

3. Allegation is that commercial quantity of foreign liquor was allegedly recovered therefrom.

4. Prayer is for release of ad interim of the same in favour of the petitioner on the ground that no purpose would be served by its continued detention in police lockup till conclusion of the trial, especially, in view of the fact that pre-trial confiscation and auction would amount to the pre-trial punishment which is against the law and the aforesaid issue is pending consideration before a Division Bench of this Court in **LPA No.1647 of 2015 Baleshwar**



Roy V. The State of Bihar & Ors. Hence, till adjudication of the aforesaid issue, the vehicle be released in favour of the petitioner by way of ad interim custody.

5. Considering the pendency of the aforesaid issue under consideration, let the referred vehicle be released in favour of the petitioner by way of ad interim custody on execution of bank guarantee of Rs. 5,00,000/- (Five Lacs) or document of immovable property of equal value standing in the name of the petitioner to the satisfaction of the learned court below/authority concerned where the case is pending, with further condition that the petitioner shall not dispose of the said vehicle or put under encumbrance without permission of the Collector concerned.

6. The operation of confiscation proceeding, if any, pending or order of confiscation, if any, found in respect of the said vehicle shall remain in abeyance till disposal of the L.P.A. aforesaid and the same shall be subject to the final result of the L.P.A.

7. With the aforesaid observation, this writ application stands disposed of.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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