

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 2397 of 2017

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

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Vinod Kumar Ray, Son of Late Mukhdeo Ray, Resident of Village - Jiyan Khurd,
P.S. Karja, District Muzaffarpur

.... Petitioner

Versus

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

.... Respondents

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Appearance :

For the Petitioner : Mr. Ravi Ranjan, Advocate

For the Respondents : Mr. Deepak Kumar, A.C. to S.C. 5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. The petitioner claims to be owner of the TVS Star Citi
Motorcycle bearing registration no. BR06AJ-5806 which was seized
in connection with Kathaiya P.S. Case No. 87 of 2017 registered
under Section 414 of the Indian Penal Code read with Section 37(c) of
the Bihar Prohibition and Excise Act, 2016.

3. The record reveals that Confiscation Case No. 187 of
2017-18 has already been initiated for confiscation of the said vehicle.

4. 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.

5. 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.50,000/- (rupees fifty thousand) (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.

6. The proceeding of the pending confiscation case shall remain in abeyance till disposal of the pending L.P.A. and the same shall be subject to the final result of the L.P.A. aforesaid.

7. 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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