

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2381 of 2017

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

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Sadakat @ Md. Sadakat, Son of Late Md. Mojib Resident of Village- Hariya
Marballa, P.S. & District Araria. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Government of Bihar, Patna
 2. The Collector, Araria.
 3. The Superintendent of Police, Araria.
 4. The Deputy Superintendent of Police, Araria.
 5. Ram Prakash Kumar Rajak, A.S.I. S/o Late Dukhi Rajak, Resident of Village- Aashanagar P.S. Soh Sarai, District Nalanda. Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard the learned counsel for the parties.

2. The Scorpio of this petitioner bearing Registration No. BR-10P-7641 was seized in connection with Palasi P.S. Case No. 56 of 2017, a case registered for the alleged violation of the Excise laws.

3. Learned counsel for the petitioner submits that the Collector, Araria, confiscated the said vehicle on 15.09.2017 in Confiscation Case No.16/2017-18. In this writ petition the aforesaid order of confiscation is under challenge.

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.6,00,000/- (rupees six 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.

6. The operation of the impugned order shall remain stayed and the release shall be subject to the final result of the pending L.P.A. aforesaid.

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

(**Birendra Kumar, J**)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
Transmission Date	08.12.2017

