

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2529 of 2017

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

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1. Raj Kishore Prasad, S/o Maujela Prasad, Resident of Village- Rajepur, P.S.- Rajepur, District- East Champaran (Motihari), at present Mohalla- Sikandarpur near Prabhat Zarda Factory, P.S.- Town, District- Muzaffarpur.
 2. Raghunath Chaudhary, S/o Late Bishwanath Chaudhary, Resident of Village- Rajepur, P.S.- Rajepur, District- East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar Through Its Chief Secretary Old Secretariat, Patna.
2. The Principal Secretary, Department of Excise, Bihar, Patna.
3. The District Collector, Muzaffarpur, District Muzaffarpur.
4. The Superintendent Excise, Muzaffarpur.
5. The Sub Inspector Excise, Sadar Anchal, Muzaffarpur District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Nitu Kumar, Advocate

For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 06-12-2017

Heard learned counsel for the petitioners and the State.

2. Two Motorcycles of the petitioners bearing registration Nos.BR-06AH/8510 and BR-06U/1121 were seized in connection with Excise Case No. 56 of 2017 for alleged violation of the Bihar Excise Law.

3. Submission of the learned counsel of the petitioner is that the continued seizure of the vehicle would serve no purpose and its confiscation and auction would amount to pre-trial punishment, which is not permissible in law and the same issue is pending consideration before a larger Bench of this Court in **LPA No.1647 of**



2015 Baleshwar Roy V. The State of Bihar & Ors. In the circumstances, till pendency of the L.P.A. aforesaid, the vehicles in question be released in favour of the petitioner as no purpose is going to be served by its continued detention in police lockup.

4. Since no purpose is going to be served by continued detention of the vehicles, let the same be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.50,000/- (Fifty Thousand) for each vehicle 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 petitioners would not dispose of the said vehicles without permission of the authority concerned and shall produce as and when required by the Court. The release shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.12.2017
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