

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2484 of 2017

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

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1. Sujeet Kumar Singh Son of Ram Sakal Singh Resident of Village- Rampura,
Police Station Ram Balash Nagar Khouli, Distt Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Excise Department,
Government of Bihar, Old Secretariate, Patna .
2. The District Magistrate, Bhojpur.
3. The Superintendent of Police, Bhojpur.
4. The S.H.O. Piro, Bhojpur, Distt Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Tiwary, 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 petitioner and the State.

2. From the possession of a passenger, traveling on the bus of this petitioner, commercial quantity of liquor was recovered and Piro P.S. Case No.220 of 2017 was registered under different provisions of the Bihar Prohibition and Excise Act, 2016.

3. The present writ application has been filed for release of the vehicle bearing registration No.BR-26H/7061 by way of ad interim custody.

4. 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. Hence, till adjudication of the aforesaid issue interim release of the vehicle be ordered as no purpose is going to be served by its continued detention in police lockup.

5. Finding substance in the aforesaid submission, let the referred vehicle be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.20,00,000/- (Twenty lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount to the satisfaction of the learned Court-below/concerned authority where the case is pending, with condition that the petitioner would not dispose of the said vehicle or put under encumbrance 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.

6. Any confiscation proceeding, if pending, in respect of the bus would remain in abeyance till disposal of the L.P.A. aforesaid and shall be subject to the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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