

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 2117 of 2017

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

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Shila Devi, W/o Awadh Bihari Singh, Resident of Om Hospital Moulabagh, P.S
Ara, Nawada, District- Bhojpur

.... Petitioner

Versus

1. The State of Bihar through the Secretary Department of Excise, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The Sub-Divisional Officer Sadar, Ara.
4. The Superintendent of Police, Bhojpur at Ara.
5. The Officer Incharge Ara Nawada Police Station, District Bhojpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Pranav Kumar, Advocate

For the Respondents : Mr. Kumar Manish, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 22-11-2017

Heard learned counsel for the parties.

2. Scorpio of the petitioner bearing Registration No.

H2A18009 and Engine No. WGH4A13443 was seized by the police
in connection with Ara, Nawada P.S. Case No. 82 of 2017 for the
offences under Sections 32(2), (3) of the Bihar Prohibition and Excise
Act, 2016.

3. Learned counsel for the petitioner submits that a
confiscation proceeding has been initiated for confiscation of the
aforesaid 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 bank guarantee of Rs.3,00,000/- (rupees three lakhs) or immovable property standing in the name of the petitioner 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. Considering the submission of the parties, let further proceeding of confiscation case before the Collector, if any, remain stayed 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 application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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