

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.2391 of 2017

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Shiv Kumar Prasad, Son of Awadh Kishor Prasad, Residence of Hara Jogyara,
P.S.- Pratappur, District- Chatra (Jharkhand). Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
 2. The Director General of Police, Bihar, Patna.
 3. The Superintendent of Police, District- Gaya.
 4. The District Magistrate/Collector Gaya District- Gaya.
 5. The Excise Superintendent of Gaya, District- Gaya.
 6. The Officer in Charge of Barachatti, District- Gaya. Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, 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. Maruti Alto 800 of this petitioner bearing
Registration No. JH02AC-7117 was seized in connection
with Barachatti P.S. Case No. 474 of 2016, a case registered
for the alleged violation of the Excise laws.

3. Prayer is for release of ad interim of the same
in favour of the petitioner on the ground that no purpose
would be served by its continued detention in police lockup
till conclusion of the trial, especially, in view of the fact that
pre-trial confiscation and auction would amount to the pre-
trial punishment which is against the law and the aforesaid
issue is pending consideration before a Division 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, the vehicle be released in favour of the petitioner by way of ad interim custody.

4. After hearing the parties and considering the substance in the aforesaid submission, it is ordered that the further proceeding of confiscation etc., if any, pending, shall remain stayed arising out of the aforesaid case and the vehicle is ordered to be released in favour of the petitioner on execution of surety bond of Rs.3,00,000/-(Three Lacs) along with two sureties of the like amount (not in the form of bank guarantee or cash), 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. The release would be subject to the final result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Nitesh/-

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

