

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1419 of 2018

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

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Shyamdeo Rai son of Late Shiv Bachan Rai resident of Village - Bahrapur, PS -
Baikunthpur, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Superintendent of Police, Gopalganj, At & P.O. Gopalganj, District - Gopalganj.
3. The Station House Officer, Baikunthpur Police Station, District - Gopalganj.
4. Bhrigunath Singh, Assistant Sub-Inspector, Baikunthpur Police Station being the Investigating Officer of Baikunthpur P.S. Case No. 221/2014.
5. Manoj Kumar Sah, Station House Officer, Mohammadpur Police Station, District - Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 03-07-2018

Learned counsel for the petitioner submits that the vehicle and money amounting Rs.1,48,000/- were seized by the police in connection with Baikunthpur P.S. Case No.221 of 2014 registered under Sections 272 and 273 of the Indian Penal Code and Section 47A of the Excise Act. Learned counsel submits that in the said case vide order dated 18.4.2016 in Cr. Misc. No.11049 of 2016, the petitioner was granted anticipatory bail by a learned Co-ordinate Bench of this Court on certain conditions. It is submitted that the petitioner has abide by the terms and conditions imposed by this Court and is enjoying the privilege of anticipatory bail, but all of a sudden after



more than four years, the vehicle in question and money has been seized in connection with the said case. It is submitted that the case is one of the police highhandedness and it shows that how police can misuse its power. Learned counsel also informs that no confiscation proceeding is pending with regard to the vehicle, mobile and money in question.

Learned counsel for the State is present.

Considering the facts and circumstances as appearing from the records, let the vehicle (White and Black Colour New Scorpio) bearing Engine No. SHG24MBA7ROB7WWD, Chasis No. MAITA2TDKJ2A14602, Samsung Mobile bearing Sim and R.1,48,000/- belonging to the petitioner be released on furnishing two sureties to the satisfaction of the court below and subject to condition that the vehicle in question shall not be sold or shall not be alienated pending initiation or finalization of a confiscation proceeding, if any..

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06-07-2018
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