

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38150 of 2020

In
Criminal Writ Jurisdiction Case No.1098 of 2017

Arising Out of PS. Case No.-87 Year-2017 Thana- BAUSI District- Purnia

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1. RAM PRASAD VISHWAS
 2. Munna Prasad Vishwas, both Sons of Late Nagendra Vishwas @ Nagendra Lal Vishwas, both Resident of Village - Pothiya Gangaili, P.S. - Jalalgarh, Distt - Purnea.

... .. Petitioner/s

Versus

1. State of Bihar through the Principal Secretary, Department of Registration, Excise and Prohibition Government of Bihar
2. The excise Commissioner, Bihar Patna
3. The District Collector, Purnea
4. The State of Bihar through the Director General Of Police, Bihar
5. The Superintendent of Police, District - Purnea
6. The Station House Officer, K. Hat, Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Shashi Shekhar Kishore, Advocate
For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 03-02-2021 Heard learned counsel for the parties.

This application is for modification of order dated 16.10.2017 passed in Cr.W.J.C. No. 1098 of 2017, whereby the seized tractor and trailer of the petitioner was ordered to be released on execution of bank guarantee of rupees three lakhs.

Prayer is for permission to produce other guarantees than the bank guarantee.

The aforesaid release was subject to the result of L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of**



Bihar & Ors.). The said LPA has already been disposed of.

Hence, the petitioner would be at liberty to make prayer for release before the authority, who is competent to confiscate the vehicle, and the authority shall pass necessary order within two weeks of presentation of the petition by the petitioner, if the vehicle has not been confiscated up-till-now.

(Birendra Kumar, J)

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