

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53832 of 2024**

Arising Out of PS. Case No.-1008 Year-2023 Thana- NAGAR District- Vaishali

Amarnath Singh Son Of Late Ramavtar Singh Village- Hathsarganj, Ps-  
Town, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Madan Kumar

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

4      02-09-2024                      Heard learned counsel for the parties.

2.      The present application has been filed for quashing of the order dated 04.03.2024 passed in Hajipur Town P.S. Case No. 1008 of 2023, registered under sections 25(1-b)a, 26 of the Arms Act and Section 37 of the Bihar Prohibition and Excise Act by which learned court below has rejected the petition for release of the vehicle bearing Registration No. BR-31T-3997.

3.      As per the prosecution case, the petitioner was caught with a country made pistol and was found in intoxicated condition. The petitioner has been granted bail. No liquor has been recovered from the vehicle in question.

4.      Learned APP for the State has filed its counter affidavit and submitted that the charge-sheet has been submitted



against the petitioner under Sections 25(1-b)a/26 of the Arms Act and section 37 of the Bihar Prohibition and Excise Act.

5. No confiscation proceeding has been initiated with regard to the vehicle in question.

6. Considering the law laid down by Hon'ble Supreme Court in the case of *Sunderbhai Ambalal Desai vs. State of Gujarat, AIR 2003 SC 638*, this application is allowed and the order dated 04.03.2024 in Hajipur Town P.S. Case No. 1008 of 2023 passed by the learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur is hereby quashed.

7. The vehicle in question bearing Registration No. BR-31T-3997 is directed to be released in favour of the petitioner on furnishing surety of Rs. 3,00,000/-.

8. The seizure list of the vehicle and the pistol can be used during trial.

(Sandeep Kumar, J)

Ranjeet/-

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