

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.458 of 2017

=====

1. Ram Naresh Kumar @ Ram Naresh Ram Son of Badri Ram, R/o Village-
Kanhuli Ramnagar, P.S.- Sonbarsa, District- Sitamarhi,

.... Petitioner

Versus

1. The State of Bihar Through The Collector, Sitamarhi,
2. The Collector, District- Sitamarhi,
3. The Excise Superintendent , District- Sitamarhi,
4. The Station House Officer of Kanhuli Police Station, District-
Sitamarhi,

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Adv.

For the Respondents : Mr. Lalit Kishore Paag-1

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 12-07-2017

Heard the parties.

The motorcycles of this petitioner bearing registration nos. BR 30F 0412 and BR 30D 9708 were seized in connection with Kanhuli P.S. Case No. 43 of 2016 for alleged violation of excise laws.

On the prayer of the petitioner, the learned Chief Judicial Magistrate, Kaimur at Bhabhua, directed interim release of the vehicle.

However, by order, dated 26.08.2016, passed in Confiscation (Excise) Case No. 38 of 2016 the Collector, Sitamarhi, confiscated the said vehicles.

Submission of the learned counsel for the petitioner is that the power of executive authority to confiscate and auction the seized articles, which is exercisable by judicial authority is under challenge before a Division Bench of this Court in L.P.A. No. 1647 of 2015 and considering the aforesaid order, different Division Benches of this Court have already allowed interim



release of the seized articles.

Finding substance in the aforesaid submission, aforesaid, the operation of the order, dated 26.08.2016, passed by the Collector, Sitamarhi, in Confiscation Excise No. 38 of 2016 shall remain stayed till disposal of L.P.A. No. 1647 of 2015 and shall be subject to the result of the L.P.A. aforesaid.

In the meantime, let the vehicles be released in favour of the petitioner by way of interim custody on execution of surety bond of Rs.50,000/- (rupees fifty thousand) each (not in the form of Bank guarantee) along with two sureties of the like amount each with the condition that the petitioner shall not dispose off the said vehicles without permission of the Court and shall produce as and when required by the Court below.

Accordingly, this application stands disposed off.

(Birendra Kumar, J)

SA/-

U	✓	T	✓
---	---	---	---

