

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1157 of 2017

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

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Manoj Kumar Thakur, Son of Sri Tirpit Thakur, Resident of Village - Jhanjharpur,
P.S. Jhanjharpur, District - Madhubani

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Excise Government of Bihar, Patna.
2. The Superintendent of Police, Madhubani.
3. The Officer in Charge of Laukha Police Station District Madhubani.

.... Respondents

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Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate

For the Respondents : Mr. Anil Kumar Sinha, GA-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-08-2017

Heard learned counsels for the parties.

2. The petitioner claims to be owner of Zylo vehicle bearing registration no. BR-329-4124 which was seized in connection with Laukha P.S. Case No. 67 of 2017 registered for alleged violation of Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

3. The aforesaid order is under challenge in this criminal writ petition.

4. Learned counsel for the State-respondents submits that he has no objection.

5. Considering the fact that power, of the Executive Authority to confiscate and auction the seized articles which is exercisable by a judicial authority, is under challenge before a Larger



Bench in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**) as well as considering the fact that different Division Benches of this Court have ordered interim release of the seized vehicle in favour of the owner of the vehicle, let the vehicle in question be released in favour of the petitioner on execution of surety bond of Rs.10,00,000/- (rupees ten lakhs) (not in the form of bank guarantee or cash) along with two sureties with condition that the petitioner shall not dispose of the same without permission of the Court and shall produce the vehicle as and when required by the court.

6. This order shall be subject to the final result of the pending L.P.A. aforesaid.

7. With the aforesaid observation, the writ application stands disposed of.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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