

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1631 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

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Soni Devi, Wife of Late Ranjan Kumar @ Ranjan Rai, Resident of Village 52,
Andar Kila, P.O. & P.S.- Hajipur, Distt.- Vaishali.

.... Petitioner

Versus

1. The State of Bihar through Director General of Police, Patna.
2. The Inspector General of Excise, Govt. of Bihar, Patna.
3. The Superintendent of Excise, Vaishali, Hajipur.
4. The District Magistrate, Vaishali, Hajipur.
5. Sub Inspector of Excise, Sadar Anchal, Vaishali, Hajipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manish Chandra Gandhi, Adv.

For the Respondents : Mr. Vivek Prasad (G.P.-7)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-09-2017

Heard learned counsels for the parties.

The petitioner claims to be owner of New Maruti
Wagon-R vehicle bearing registration no. BR31S5388 which was
seized in connection with C2A 262 of 2016 registered for alleged
violation of the Excise Act.

Considering the fact that no purpose is going to be
served by continued detention of the vehicle as the 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.4,00,000/- (rupees four 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.

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

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

(Birendra Kumar, J)

Nitesh/-

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CAV DATE	
Uploading Date	
Transmission Date	

