

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.472 of 2017

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

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Chandan Kumar, Son of Rambabu Pradhan, Resident of Village- Kanhauli, P.S.-
Kanhauli, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate / Collector, Sitamarhi.
2. The Superintendent of Police, Sitamarhi.
3. The Excise- Superintendent, Sitamarhi.
4. The S.H.O. Excise P.S. Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 04-05-2017

Heard the parties.

2. The petitioner is owner of Hyundai Ion Car bearing
Reg.No.BR-0-6AV-5817. The said vehicle was seized in connection
with Excise Case No.C-2/355/16. Allegation is that the same was
carrying Nepali liquor. A confiscation case bearing Confiscation Case
No.143 of 2016 is already going on before the Collector, Sitamarhi.

3. Submission of the petitioner is that the question of
law as to whether an executive authority has power to exercise
judicial function of confiscation and auction of the vehicle is under
consideration before a Larger Bench of this Court in LPA No.1647 of
2015 and considering the aforesaid pendency in CWJC No.1791 of



2017 a Division Bench of this Court has ordered for release of the seized vehicle in favour of petitioner of that case.

4. Considering the aforesaid facts, let the aforesaid Hyundai Ion Car be released in favour of the petitioner after verification of the ownership of the vehicle of the petitioner by way of ad-interim custody on execution of surety bond of Rs.7,00,000/- (seven lacs) along with two sureties of the like amount with condition that the petitioner shall not dispose of the said vehicle and shall produce as and when required by this Court. This order shall be subject to result of the LPA aforesaid.

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

Arvind/-

(Birendra Kumar, J)

AFR/NAFR	
CAV DATE	
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