

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.393 of 2017

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1. Arvind Sao Son of Sujeet Sao, Resident of Village- Salaunachak, Kishanpur,
P.S.+ District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Officer, Lakhisarai.
3. The Director General of Police, Bihar, Patna.
4. The Superintendent of Police, District- Munger.
5. The Police Inspector cum Officer-in-Charge (S.H.O.), P.S.- Lakhisarai, District-
Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Narsingh Tanti, Advocate

For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 08-04-2017

The petitioner claims to be the owner of Auto Rickshaw bearing Registration No.BR 46P 0508, which was seized in connection with Lakhisarai P.S. Case No.394 of 2016 for alleged violation of the provisions of Bihar Excise (Amendment) Act, 2016.

The petitioner had approached before the learned Chief Judicial Magistrate, Lakhisarai, for release of the said vehicle and the prayer was refused by order dated 02.01.2017 vide Annexure-4 for the reason that a confiscation proceeding in respect of the said vehicle is already going on.

Learned counsel for the petitioner has relied on a Division



Bench order of this Court in CWJC No.3554 of 2017 passed on 08.03.2017. The relevant portion of the same is reproduced below:

“The questions in respect to confiscation of vehicle by the concerned authorities have been referred to the Larger Bench in Letters Patent Appeal No. 1647 of 2015 (Baleshwar Roy v. The State of Bihar & Ors.). Since the very issue is pending consideration before the Larger Bench, we deem it appropriate to order release of vehicle (Maruti Swift Car (Silky Silver Colour) bearing registration No. BR-11Z-1708 to the petitioner on furnishing surety bonds to the satisfaction of the District Magistrate-cum-Collector, Purnea in connection with Baisi P.S. Case No. 117 of 2016, subject to the condition that the petitioner shall make available the vehicle in question before the authority concerned as and when required during the proceedings under the Bihar Excise Act.

List this case after the decision in L.P.A. No. 1647 of 2015 (Baleshwar Roy v. The State of Bihar & Ors.).”

Considering the aforesaid order, let the referred Auto Rickshaw be released by way of interim custody in favour of the petitioner on furnishing surety bond of Rs.50,000/- (Fifty thousand) along with two sureties with condition that petitioner shall not dispose of or put under encumbrance, the said vehicle without permission of the Court.



The aggrieved party may approach the appropriate Court after disposal of the LPA No.1647 of 2015 (**Baleshwar Roy v. The State of Bihar & Ors.**).

With the aforesaid observations, this writ application stands disposed of.

Mkr./-

(Birendra Kumar, J)

AFR/NAFR	NAFR
CAV DATE	
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