

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.630 of 2017

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

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Ramchandra Prasad Yadav, Son of Kusum Lal Yadav, Resident of Village Inarwa,
P.S Phulparas, District Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna
2. Principal Secretary, Excise Department
3. The District Magistrate, Madhubani
4. The Superintendent of Police, Madhubani

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate

For the Respondents : Mr. Ajay Kumar Sharma, A.C. to P.A.A.G.-I

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-05-2017

The present writ application has been filed for release of the bus bearing registration no. BR07AP-8558 seized in connection with Laukhi Police Station Case No. 40 of 2017 for violation of the provisions of the Excise Act. Allegation is that 4.680 litres of liquor was recovered from the bus.

Submission of the petitioner is that the court below has refused the prayer only considering the presumption of commission of offence against the petitioner. His contention is that the issue as to whether the Executive Authority has power to confiscate the seized vehicle is under consideration before a Larger Bench in L.P.A. No. 1647 of 2015 (**Baleshwar Roy Vs. The State of Bihar & Ors.**) and due to pendency of said matter, different Benches of this Court have ordered for interim release of the vehicle in favour



of the owners as no purpose would be served by continued detention of the vehicle and would cause damage to the vehicle.

Learned counsel for the respondents does not dispute the aforesaid factual position, however, seeks four weeks time to file counter affidavit.

Considering the facts and circumstances above, let the above referred bus be released in favour of the petitioner on execution of surety bond of Rs.15,00,000/- (rupees fifteen lacs) along with two sureties of the like amount with further condition that the petitioner shall not dispose of the said vehicle nor put the same under encumbrance and shall produce as and when required by the Court. This order shall be subject to the result of the aforesaid L.P.A.

Accordingly, this application stands disposed of.

(Birendra Kumar, J)

Kundan/-

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