

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.971 of 2017

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1. Shyam Kumar Sah, S/o Basudeo Sah, Resident of Mohalla- Sheohar,
Ward No.1, P.S.+District- Sheohar Petitioner

Versus

1. The State of Bihar, Through The District Magistrate, Sitamarhi.
2. The Superintendent of Police, Sitamarhi.
3. The Excise Superintendent, Sitamarhi.
4. The Excise Inspector, Excise P.S. Sitamarhi Respondents

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Appearance :

For the Petitioner : Mr. Virendra Kumar, Adv.
For the Respondents : Mr. Kumar Manish, SC V

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 08-08-2017 Heard the parties.

Motorcycle of this petitioner bearing registration no. BR-30H-2356 was seized in connection with Excise Case No. C-02/296/2016, thereafter, Confiscation Case No. 124 of 2016 was initiated, for confiscation of the said motorcycle, by the Collector Sitamarhi.

This writ application has been preferred for interim release of the motorcycle on the ground that the authority of the Collector to confiscate the vehicle, which is a judicial function is subjudice consideration before a larger Bench of this Court in **L.P.A. No. 1647 of 2015 (Baleshwar Roy Vrs. The State of Bihar & Ors.)**. Hence, till disposal of the Letters Patent Appeal, aforesaid, prayer is for stay of the further proceedings of confiscation case as well as interim release of the said vehicle.

The learned counsel for the respondents submits that the respondents have no objection in interim release of the vehicle provided the release would be subject of the result of Letters Patent Appeal, aforesaid.

Considering the facts and submission, aforesaid, let



the referred vehicle be released in favour of the petitioner on execution of surety of bond Rs.60,000/- (rupees sixty thousand) (not in the form of bank guarantee or cash) along with two sureties of the like amount each to the satisfaction of the Collector, Sitamarhi, with condition that the petitioner shall not dispose off the same without permission of the authority and shall produce as and when required by the authority. The release order shall be subject to the Letters Patent Appeal, aforesaid.

With the aforesaid observations, this application stands **disposed off**.

(Birendra Kumar, J)

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