

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1026 of 2017

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

- =====
1. Jamshed Alam Son of Shekh Tamij Alam, Resident of Madhubani Sinroli, P.S.-
K Hat, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of
Registration, Excise And Prohibition, Government of Bihar,
2. The Excise Commissioner, Bihar, Patna.
3. The District Collector, Purnea.
4. The State of Bihar through the Director General of Police, Bihar.
5. The Superintendent of Police District Purnea.
6. Station House Officer, K. Hat, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Mr. Vikas Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date: 13-10-2017

Heard learned counsel for the petitioner and the State.

2. The Piazzo Tempo of this petitioner bearing
registration No.BR-11PA/1761 was seized in connection with K Hat
(Madhubani) P.S. Case No.596 of 2016 for alleged violation of the
Bihar Excise law.

3. Submission of the learned counsel for the petitioner is
that the jurisdiction of the Executive Officer to confiscate the vehicle
is subjudice before a larger Bench of this Court in **LPA No.1647 of**
2015 Baleshwar Roy V. The State of Bihar & Ors. In the



circumstances, till pendency of the L.P.A. aforesaid, the vehicle in question be released in favour of the petitioner as no purpose is going to be served by its continued detention in police lockup.

4. Since no purpose is going to be served by continued detention of the vehicle and commercial quantity of liquor was recovered from the vehicle of the petitioner, let the same be released in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.1,50,000/- (One Lac Fifty Thousand)** to the satisfaction of the learned Court-below/authority concerned where the case is pending, with condition that the petitioner would not dispose of the said vehicle without permission of the authority concerned and shall produce as and when required by the Court.

5. With the aforesaid observation, this writ application stands disposed of. The release shall be subject to the result of the L.P.A. aforesaid.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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