

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1883 of 2017

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

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Sonelal Kumar, Son of Late Shiv Sagar Singh, Resident of Village- Bihar, Zero Mile Gurudaspur Tola, Ward No.15, P.S.- Barauni, District- Begusarai.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Patna.
2. The District Magistrate, Lakhisarai.
3. The Superintendent of Police, Lakhisarai.
4. The Sub Divisional Police Officer, Lakhisarai.
5. The S.D.O. Lakhisarai.
6. The Excise Superintendent, Lakhisarai.
7. The S.H.O. Lakhisarai (Kabaiya) Police Station, Lakhisarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Respondent/s : Mr. Vikash Kumar, SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the petitioner and the State.

2. The Bolero of this petitioner bearing registration No.BHR-1BK/7598 was seized in connection with Lakhisarai (Kabaiya) P.S. Case No.136 of 2017 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, further proceeding of Confiscation Case No.6 of 2017 be stayed and 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. Commercial quantity of liquor was recovered from the vehicle of the petitioner.

5. Since no purpose is going to be served by continued detention of the vehicle, let the same be released in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.3,00,000/- (Three Lacs)** 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. Further proceeding of Confiscation Case No.6 of 2017 shall remain stayed till disposal of the L.P.A. aforesaid. The release shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.10.2017
Transmission Date	18.10.2017

