

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1533 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

=====

Narendra Kumar Singh, Son of Late Shobh Nath Singh, resident of E- 66, Road No. 13, Patratu TPS, P.S. Patratu, District- Ramgarh.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Excise Department , Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Superintendent of Police, Nalanda.
4. The Station House Officer, Rahui (Bhagan Bigha O.P.) Police Station, District- Nalanda.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-09-2017

The Scorpio vehicle of this petitioner bearing registration No.JH-01CH/1387 was seized in connection with Rahui (Bhagan Bigha O.P.) P.S. Case No.143 of 2017, a case registered for the alleged violation of the Excise laws.

2. Heard learned counsel for the petitioner and the State.

3. Submission of the learned counsel for the petitioners 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. Learned counsel for the State-respondent opposed the prayer.

5. Finding substance in the submission of the learned counsel for the petitioners, 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 surety bond of Rs.8,00,000/- (Eight Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount 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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.09.2017
Transmission Date	21.09.2017

