

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1182 of 2017

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1. Kamlesh Ram Son of Harivansh Ram Resident of Village - Bagrora, P.S.
- Baisi, District – Purnea Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Excise and Prohibition, Government of Bihar, Patna.
2. The District Magistrate, Purnea.
3. The Senior Superintendent of Police, Purnea.
4. The Excise Superintendent, Purnea.
5. The Officer Incharge of Baisi Police Station, Purnea.
..... Respondents

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Appearance :

For the Petitioner : Mr. Rana Vikram Singh, Adv.
For the Respondents : Mr. Anil Kumar Sinha (Ga1)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 09-08-2017

Heard the parties.

The petitioner has challenged the order, dated 16.05.2017, passed in Excise Case No.193 of 2016. The above confiscation matter arises out of Baisi P.S. Case No. 106 of 2016, a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, whereunder the Mahindra Scorpio RF56 Plus of the petitioner bearing registration no. WB-74A-5396 was seized.

Prayer for stay of further proceeding of the execution and interim release of the vehicle on the ground that competency of the executive authority to confiscate and auction the seized vehicle is under consideration before a larger Bench of this Court **L.P.A. No. 1647 of 2015 (Baleshwar Roy Vrs. The State of Bihar & Ors.)**. Till disposal of Letters Patent Appeal, aforesaid, further proceeding of Excise Case No.193 of 2016 pending before the District Magistrate, Purnia, may be stayed and the vehicle may be released by way of ad interim custody in favour of the petitioner.



After hearing the parties, I am of the view that no purpose would be served by continued detention of the said vehicle till adjudication of the aforesaid issue, pending before the larger Bench of this Court.

Hence, it is directed that the operation of the impugned order as well as subsequent proceeding of Excise Case No.193 of 2016 shall remain stayed till disposal of above Letters Patent Appeal.

In the meantime, by way of ad interim custody, let the vehicle, referred above, be released in favour of the petitioner on execution of surety bond of Rs. 10,00,000/- (rupees ten lakhs) (not in the form of bank guarantee or cash) along with two sureties of the like amount each to the satisfaction of the District Magistrate, Purnia, as well as with condition that the petitioner shall not disposed off the same without permission of the Court where the case would be pending and shall produce as and when required.

The interim release shall be subject to the result of pending Letters Patent Appeal.

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

(Birendra Kumar, J)

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