

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1118 of 2017

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

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1. Chandrashekhar Prasad Gupta @ Sonu Gupta Son of Paras Nath Sah, R/o Village- Kanti Kasba, Ward No.8, P.S.- Kanti, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Muzaffarpur, District-Muzaffarpur,
3. The Senior Superintendent of Police, Muzaffarpur, District-Muzaffarpur.
4. The Police Sub-Inspector-Cum-Officer-In-Charge, Town Thana, Muzaffarpur.
5. The Investigating Officer, Town Thana, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh, Advocate
For the Respondent/s : Mr. Lalit Kishore, AG

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 22-08-2017

Heard learned counsel for the petitioner and the State.

The SLV Tata Tago XZ car of this petitioner bearing registration No.BR-06AV/5092 was seized in connection with Muzaffarpur Town P.S. Case No.178 of 2017, a case under Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

The petitioner approached before the learned Additional Sessions Judge-III-cum-Special Judge Excise Act, Muzaffarpur, for ad interim release of the referred vehicle and the prayer was refused for the reason that Section 60 of the Act bars jurisdiction of the Court to entertain application for release of the vehicle.

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.** Hence, prayer is for ad interim release of the vehicle.

Learned counsel for the State-respondent has opposed the prayer. However, does not dispute the aforesaid factual position of the pending issue in the L.P.A aforesaid.

Finding substance in the submission of the learned counsel for the petitioner especially the fact that no purpose would be served by continued detention of the vehicle, let the referred vehicle 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.

With the aforesaid observation, this writ application stands disposed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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