

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1867 of 2017

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

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1. Rakesh Kumar Son of Nepali Rai, R/o Village & P.O.- Bachary, P.S.- Piro, District- Bhojpur at Ara Bihar.

.... Petitioner/s

Versus

1. The State of Bihar Through The District Magistrate, Bhojpur At Ara.
2. The Superintendent of Police , Bhojpur at Ara.
3. The Deputy Superintendent of Police, Piro, Bhojpur.
4. The Station House Officer Piro (Hasan Bazar), Bhojpur.
5. The Superintendent of Excise, Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Respondent/s : Mr. Kumar Ravish, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-10-2017

Heard learned counsel for the petitioner and the State.

2. The Motorcycle of this petitioner bearing registration No.BR-24Q/5020 was seized in connection with Piro (Hasan Bazar) P.S. Case No.124 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, 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, let the same be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.50,000/- (Fifty Thousand), not in the form of cash/Bank Guarantee, along with two sureties of the like amount 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.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.10.2017
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