

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1353 of 2017

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

- =====
1. Birendra Prasad son of Ruplal Mahto.
 2. Kavita Devi W/o Direndra Prasad Both are Resident of Village- Mathurapur, P.S.- Khagaria, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Govt. of Bihar, Patna.
2. The Collector-cum- District Magistrate, Katihar.
3. The Superintendent of Police, Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha, GA-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 01-09-2017

Petitioners are permitted to correct the district name of respondent Nos. 2 and 3 in course of the day.

2. The Scorpio vehicle of this petitioner bearing registration No.BR 09R/9611 was seized in connection with Katihar Town P.S. Case No.404 of 2017, a case registered for the alleged violation of the Excise laws.

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

4. 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 operation of the impugned order 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.

5. Learned counsel for the State-respondent opposed the prayer.

6. 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.10,00,000/- (Ten 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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.09.2017
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