

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1811 of 2017

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

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Ganesh Rai S/o Late Madhav Rai, R/o Mohalla- P N T Tower House, Barmasiya,
P.S.- Katihar Town, District- Katihar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Patna.
Bihar.
2. The District Magistrate , Katihar.
3. The Superintendent of Police, Katihar.
4. The S.H.O. Katihar Town Police Station , P.S.- Town, District- Katihar.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 16-10-2017

Heard learned counsel for the petitioner and the State.

2. The Auto rickshaw of this petitioner bearing
registration No.BR 11PA/4067 was seized in connection with
Katihar Town (Sahayak) P.S. Case No.492 of 2017, a case
registered for the 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. 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.1,00,000/- (One Lac), 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	18.10.2017
Transmission Date	18.10.2017

