

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1591 of 2017

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

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1. Md. Akbar Ali S/o Late Nazir Ahmad resident of Old Masjid Samanpura Raja Bazar, P.S. Shastrinagar, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar Through D. M. Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 20-09-2017

Heard learned counsels for the parties.

The petitioner claims to be owner of Bolero vehicle bearing registration no. BR01PB-5983, Chassis No. C2G12063, Engine No. GMC4G56482 which was seized in connection with G.R. Case No. 346 of 2017 arising out of Sherghati Barachatti P.S. Case No. 106 of 2017 registered for alleged violation of Sections 272, 273, 120B of the Indian Penal Code and Section 30(a)/38/47 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The petitioner moved before the learned Spl. Judge, Excise, Gaya for release of the Scorpio vehicle on the ground that petitioner is owner of the Scorpio vehicle and no purpose would be served in continuance of the seizure of the Scorpio vehicle, rather it would cause external and internal damage to the vehicle. The learned Spl.Judge refused the



prayer by order dated 11.08.2017. The same is under challenge herein.

Considering the fact that no purpose is going to be served by continued detention of the vehicle as the power, of the Executive Authority to confiscate and auction the seized articles which is exercisable by a Judicial Authority, is under challenge before a Larger Bench in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**) as well as considering the fact that different Division Benches of this Court have ordered interim release of the seized vehicle in favour of the owner of the vehicle, let the vehicle in question be released in favour of the petitioner on execution of surety bond of Rs.8,00,000/- (rupees eight lakhs) (not in the form of bank guarantee or cash) along with two sureties with condition that the petitioner shall not dispose of the same without permission of the Court and shall produce the vehicle as and when required by the court.

This order shall be subject to the final result of the pending L.P.A. aforesaid.

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

(Birendra Kumar, J)

Nitesh/-

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CAV DATE	
Uploading Date	
Transmission Date	

