

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.390 of 2017

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1. Abdul Rauf Khan Maher s/o Abdul Aziz Khan r/o Chaupasani Housing
Board Road, Jodhpur, Rajasthan Petitioner

Versus

1. The State of Bihar through Principal Secretary Excise Department.
2. The Collector, Sitamarhi Respondents

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Appearance :

For the Petitioner : Mr. Laxmi Narayan Das, Adv.

For the Respondents : Mr. Vivek Kumar, SC XI

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 09-08-2017

The petitioner has challenged the order, dated 13.01.2017, passed in Confiscation Case No. 113 of 2016. The confiscation matter arises out of Baspatti P.S. Case No. 134 of 2016, a case registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, whereunder the bus of the petitioner bearing registration no. RJ-19PB-7786 was seized.

Prayer is for stay of further proceeding of the confiscation case and interim release of the bus on the ground that competency of the executive authority to confiscate and auction the seized vehicle is under consideration before a larger Bench of this Court **L.P.A. No. 1647 of 2015 (Baleshwar Roy Vrs. The State of Bihar & Ors.)**.

After hearing the parties, I am of the view that no purpose would be served by continued detention of the said vehicle till adjudication of the aforesaid issue, pending before the larger Bench of this Court.

Hence, it is directed that the operation of the impugned order as well as subsequent proceeding of Confiscation Case No. 113 of 2016 shall remain stayed till disposal of above Letters Patent Appeal.



In the meantime, by way of ad interim custody, let the bus, referred above, be released in favour of the petitioner on execution of surety bond of Rs. 20,00,000/- (rupees twenty lakh) (not in the form of bank guarantee or cash) along with two sureties of the like amount each to the satisfaction of the Collector, Sitamarhi. The petitioner shall not disposed off the same without permission of the Court where the case would be pending and shall produce as and when required.

The interim release shall be subject to the result of pending Letters Patent Appeal.

With the aforesaid observations, this application stands **disposed off**.

(Birendra Kumar, J)

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