

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1285 of 2017

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

- =====
1. Ravi Ranjan Kumar Singh @ Ravi Ranjan Son of Late Saryug Singh Resident of Village - Ukmi, P.S. - Obra, District : Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar through Excise Commissioner, Aurangabad, Bihar.
2. District Magistrate, Aurangabad, Dist - Aurangabad.
3. Superintendent of Police, Aurangabad, District - Aurangabad.
4. Officer-in-Charge, Rishiup Police Station, Dist - Aurangabad (Bihar).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advcoate
For the Respondent/s : Mr. P.R.P. Sinha, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-08-2017

Heard learned counsel for the petitioner and the State.

2. The petitioner claims to be the owner of Bolero vehicle bearing registration No. BR-26G/5263, which was seized in connection with Rishiup P.S. Case No.1 of 2017 for alleged violation of the excise laws.

3. The present writ application has been filed challenging the order dated 22.06.2017 passed in Excise Confiscation Case No.32 of 2017 vide Annexure-3, whereby the Collector, Aurangabad, has confiscated and ordered for auction of the aforesaid vehicle.

4. Submission of the learned counsel for the petitioner is



that the authority of executive to confiscate the vehicle which is a power exercisable by a judicial authority is under consideration before the larger Bench of this Court in **LPA No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.** Hence, till adjudication of the aforesaid issue the operation of the impugned order be stayed and Bolero vehicle be released in favour of the petitioner.

5. Learned counsel for the respondent has no objection in interim release of the vehicle in favour of the petitioner. However, his submission is that release would be subject to the result of the L.P.A. and the pending confiscation proceeding.

6. Considering the aforesaid pendency of the issue, let the operation of the impugned order remain stayed till disposal of the L.P.A. aforesaid and shall be subject to the result of the L.P.A. By way of ad interim measure, let the vehicle, in question, be released in favour of the petitioner on execution of surety bond of Rs.12,00,000/- (Twelve Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount to the satisfaction of the authority concerned with condition that the petitioner shall not dispose of the said vehicle without permission of the authority concerned and shall produce as and when required by the Court. Further proceeding of Confiscation (Excise) Case No.32 of 2017, arising out of Rishiup P.S. Case No.1 of 2017, shall remain stayed till disposal of the L.P.A



aforesaid and shall be subject to the result of the L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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