

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1161 of 2017

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1. Rajeev Rai Son of Umashankar Rai, R/o Village- Saifpur Jadhua, P.O.-
Jadhua, P.S.- Ganga Bridge, District- Vaishali Petitioner

Versus

1. The State of Bihar Through The Principal Secretary, Deptt. of Home,
Patna
2. The District Magistrate-Cum-Collector, Vaishali at Hajipur
3. The Superintendent of Police, Vaishali at Hajipur
4. The Excise Superintendent, Vaishali at Hajipur
5. The Station House Office, P.S.- Ganga Bridge, Hajipur
6. The Investigating Officer of Ganga Bridge, P.S. Case no.111/2016
.... Respondents

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Appearance :

For the Petitioner : Mr. Manish Chandra Gandhi

For the Respondents : Mr. Vivek Prasad (Gp 7)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 30-08-2017

Heard the parties.

The present writ application has been preferred for release of Vikram Auto, bearing registration no. BR-31P-1144, which was seized in connection with Ganga Bridge P.S. Case No. 111 of 2016, a case registered for violation of Excise Laws.

Submission of the learned counsel for the petitioner is that the authority of the executive authority to confiscate and auction the vehicle, which is a power exercisable by a judicial authority is subjudice consideration before a larger Bench of this Court in **L.P.A. No. 1647 of 2015 (Baleshwar Roy Vrs. The State of Bihar & Ors.)**.

Hence, till disposal of the Letters Patent Appeal, aforesaid, by way of interim custody the vehicle be released in favour of the petitioner as no purpose is going to be served by continued detention of the vehicle in custody.

Finding substance in the submission, aforesaid, let the aforesaid vehicle be released in favour of the petitioner by way



of interim custody on execution of surety bond of Rs. 1,00,000/- (rupees one lakh) (not in the form of bank guarantee or cash) along with two sureties of the like amount.

The petitioner shall file undertaking that he will not use the vehicle for any illegal purpose at the time of furnishing of the bond and will not dispose of the aforesaid vehicle without the permission of the Court.

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

No coercive steps shall be taken against the petitioner till further orders.

Accordingly, this application stands **disposed off**.

(Birendra Kumar, J)

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