

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1644 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- NALANDA (BIHARSHARIFF)

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Ratan Devi, W/o Virendra Paswan, R/o Umanath Mandir Purani Barh, P.O. + P.S. -
Barh, Distt - Patna

.... Petitioner

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Nalanda, District Nalanda.
4. The District Magistrate/Collector, Nalanda, District Nalanda.
5. The Excise Superintendent of Nalanda District Nalanda.
6. The Officer In Charge of Lahehi, District Nalanda

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjay Kumar Singh, Advocate

For the Respondents : Mr. Pawan Kumar, A.C. to G.A. 1

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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. BR-01PG 0363 which was seized in connection with Laheri P.S. Case No. 302 of 2017 registered for alleged violation of Section 37 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The petitioner moved before the learned 6th Additional District & Sessions Judge-cum-Special Judge (Excise), Nalanda, Biharsharif for release of the Bolero vehicle on the ground that petitioner is the owner of the same and no purpose would be served in continuance of the seizure of the Bolero vehicle, rather it would cause external and internal damage to the vehicle. The learned Judge refused the prayer by order dated 29.07.2017. 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)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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