

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No. 1672 of 2017

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

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Ranju Kumari, W/o Awadesh Singh, R/o Village - Manjhaul, Ward No. 6,
Pachmahala Tola, P.S. - Cheriya Bariyarpur, District - Begusari.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Excise, Patna.
2. The District Magistrate, Begusarai
3. The Superintendent of Police, Begusarai
4. The Sub Divisional Police Officer, Bakhari
5. The S.D.O., Bakhari
6. The Excise Superintendent, Begusarai.
7. The S.H.O. Nawkothe Police Station, Begusarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sandip Kumar Gautam, Advocate

For the Respondents : Mr. Anil Kumar Sinha, G.A.1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 03-10-2017

Heard learned counsels for the parties.

24 bottles of foreign liquor each containing 3.75 ml
was recovered from the vehicle of the petitioner bearing registration
no. BR09T2976. The vehicle was seized in connection with Nawkothe
P.S. Case No. 100 of 2016 registered under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016. Thereafter, the vehicle has been
confiscated in Confiscation Case No. 16 of 2017.

Contention of the learned counsel for the petitioner is
that the power, of the Executive Authority to confiscate, is under
challenge and is pending before a Larger Bench of this Court in L.P.A.
No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**).



In the circumstances, till adjudication of the aforesaid issue, the vehicle be released in favour of the petitioner by way of ad interim custody.

Finding substance in the aforesaid, let the vehicle be released in favour of the petitioner on execution of surety bond in the form of bank guarantee of Rs.2,50,000/- (rupees two lakhs and fifty thousand) to the satisfaction of the authority concerned.

With the aforesaid observation, this writ application stands disposed of and shall be subject to the result of pending L.P.A.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	07.10.2017
Transmission Date	07.10.2017

