

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No. 1894 of 2017

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

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Roushan Kumar Yadav @ Roushan Yadav @ Roshan Kumar Yadav, Son of Binay Prasad Yadav, R/o Village - Atalkha, P.S. - Basnahi, District - Saharsa.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Old Secretariat, Patna.
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The District Magistrate cum Collector, Saharsa.
4. The Superintendent of Police, Saharsa.
5. The Excise Superintendent, Saharsa,
6. The S.H.O. Basnahi, P.S., District- Saharsa.

.... Respondents

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Appearance :

For the Petitioner : Mr.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 17-10-2017

Heard learned counsel for the parties.

This writ application has been preferred for quashing the order dated 11.08.2017 passed in Confiscation (Excise) Case No. 20 of 2017-18 by the Collector, Saharsa whereby the Collector has confiscated the motorcycle of the petitioner bearing registration no. BR-43H-5077 which was seized in connection with Basnahi P.S. Case No. 15 of 2017 for alleged violation of the Bihar Excise Law. Further prayer is for release of the said motorcycle as no purpose would be served by its continued detention of the vehicle in police lock up as well as on the ground that authority of the executive to pre-trial



confiscation is under challenge before a Larger Bench of this Court in L.P.A. No. 1647 of 2015 (**Baleshwar Roy vs. The State of Bihar & Ors.**).

After hearing the parties, finding substance in the submission aforesaid, let the motorcycle be released, in favour of the petitioner, on execution of bank guarantee of Rs.50,000/- (rupees fifty thousand) to the satisfaction of the learned court below/authority concerned where the case is pending, with condition that the petitioner shall file undertaking that he would not dispose of the said truck without permission of the court below nor shall put the same under encumbrance..

The release shall be subject to the result of the pending L.P.A.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	18.10.2017
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