

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1307 of 2017

Arising Out of PS.Case No. -null Year- null Thana -null District- VAISHALI(HAJIPUR)

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1. Dilip Kumar S/o Kishori Rai Resident of Village- Khan Patti, P.O. Rasulpur
Fatah, P.S. Mahua, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Home, Patna, Bihar.
2. The District Magistrate cum District Collector, Vaishali at Hajipur.
3. The Superintendent of Police, Vaishali at Hajipur.
4. The Excise Superintendent, Vaishali at Hajipur.
5. The Station House Officer, P.S. Mahua, Vaishali.
6. The Investigating Officer of Mahua P.S. Case No.128/2017, P.S.- Mahua, Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Respondent/s : Mr. P.N. Shahi, AAG-6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 29-08-2017

Heard learned counsel for the parties.

2. The petitioner is owner of Bolero Pickup bearing registration No. BR31GA-6369. The said vehicle was seized in connection with Mahua P.S. Case No.128 of 2017, a case registered for alleged violation of the Excise laws.

3. The present writ application has been filed for direction to the respondents to release the said vehicle.

4. Submission of the learned counsel for the petitioner is that the power of the executive authority to confiscate the vehicle is pending consideration in **LPA No.1647 of 2015 (Baleshwar Roy V. The State of Bihar & Ors.)** before a larger Bench of this Court. Hence, till adjudication of that dispute the interim release of the



vehicle may be ordered in favour of the petitioner otherwise the vehicle would get rotten in the police lockup.

5. Learned counsel for the petitioner has no objection in interim release of the vehicle in favour of the petitioner. However, his submission is that release may be ordered subject to the result of the L.P.A.

6. In the circumstances, for substantial justice, let the vehicle, in question, be released in favour of the petitioner by way of ad interim custody on execution of surety bond of Rs.8,00,000/- (Eight Lacs), not in the form of cash/Bank Guarantee, along with two sureties of the like amount each to the satisfaction of the concerned authority with condition that the petitioner would not dispose of the said vehicle without permission of the authority concerned and shall produce as and when required by the Court. The release 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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