

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1365 of 2017

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

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Binod Bhagat @ Vinod Bhagat, Son of Ram Sewak Bhagat, R/o Village - Gosai
Tola, P.S. - Kanti, District - Muzaffarpur

.... Petitioners

Versus

1. The State of Bihar
2. The District Magistrate, Muzaffarpur
3. The Senior Deputy Collector, District Legal Section, Muzaffarpur
4. The S.I. Excise Department, Sakra Anchal, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr.

For the Respondents : Mr. D.K. Verma, Advocate, A.C. to SC 11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 07-09-2017

Heard learned counsels for the parties.

By the impugned order dated 23.12.2016 passed in
Confiscation Case No. 29 of 2016-17, the Collector-cum-
District Magistrate, Muzaffarpur has confiscated the Pick up Van of
the petitioner bearing registration no. BR06GB-3423 which was
seized in connection with Excise Case No. 138 of 2016.

Submission of the learned counsel for the petitioner is
that the power, of the Executive Authority to confiscate the vehicle, is
under challenge and is pending for consideration 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 disposal of the
L.P.A. aforesaid, further proceeding of confiscation case be stayed
and the vehicle be released by way of ad interim custody, in favour of



the petitioner as no purpose is going to be served by continued detention.

After hearing the parties and finding substance in the submission aforesaid, let the vehicle in question be released in favour of the petitioner, who claims to be owner, thereof, by way of ad interim custody on execution of surety bond of Rs.4,00,000/- (rupees four lakhs) (not in the form of bank guarantee or cash) along with two sureties of the like amount 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.

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

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
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