

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1952 of 2017

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

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1. Rajesh Kumar Pathak S/o Sri B. Pathak, R/o Village- Andar, P.S.- Andar , District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through Chief secretary, Govt. of Bihar, Patna.
2. The District Magistrate, Siwan.
3. The Superintendent of Excise Department , Siwan.
4. The Officer In Charge- Andar P.S.- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mr. Vikash Kumar ,SC-11

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 08-11-2017

Heard learned counsel for the petitioner and the State.

Alto Car of this petitioner bearing registration No.BR-04N/8936 was seized in connection with Ashaown P.S. Case No.31 of 2017, a case registered under Sections 272/273/308 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Submission of the learned counsel for the petitioner is that the jurisdiction of the Executive Officer to confiscate the vehicle is subjudice before a larger Bench of this Court in **LPA No.1647 of 2015 Baleshwar Roy V. The State of Bihar & Ors.** In the



circumstances, till pendency of the L.P.A. aforesaid, the vehicle, in question, be released in favour of the petitioner as no purpose is going to be served by its continued detention in police lockup.

Since no purpose is going to be served by continued detention of the vehicle, let the same be released in favour of the petitioner by way of ad interim custody on execution of **bank guarantee of Rs.2,00,000/- (Two Lacs)** to the satisfaction of the learned Court-below/authority concerned where the case is pending, 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 L.P.A. aforesaid.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.11.2017
Transmission Date	10.11.2017

