

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1800 of 2017

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

- =====
1. Madan Kumar Dangi Son of Rup Lal Prasad Dangi, R/o Village- Bhaghar, P.S.- Chouparan, District- Hazaribagh (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary Excise Department, Patna.
2. The Collector /District Magistrate, Gaya.
3. The Superintendent of Police, Gaya.
4. The Police Inspector , Charma Urawa Fatehpur P.S., Gaya.
5. The S.H.O. of Fatehpur P.S., Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Respondent/s : Mr. Vivek Prasad, GP-7

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 11-10-2017

Heard learned counsel for the petitioner and the State.

2. The Bolero of this petitioner bearing registration No.JH-02N-0959 was seized in connection with Fatehpur P.S. Case No.30 of 2017, a case registered for the alleged violation of the Excise law.

3. 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.

4. Learned counsel for the State-respondent opposed the prayer.

5. Commercial quantity of liquor, which is prohibited in the State of Bihar, was recovered from the vehicle of the petitioner.

6. Finding substance in the submission of the learned counsel for the petitioner, 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.8,00,000/- (Eight Lacs)** to the satisfaction of Collector, Gaya, 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.

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

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.10.2017
Transmission Date	13.10.2017

