

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.1519 of 2017

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

- =====
1. Ramesh Kumar Ray @ Ramesh Ray Son of Ram Lagan Ray Resident of Village - Mahua Ram Ray, P.S. Mahua, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar, Through The Principal Secretary, Excise Deptt., Patna.
2. The Collector/District Magistrate, Vaishali at Hajipur, District -Vaishali.
3. The Superintendent of Police, Vaishali at Hajipur, District - Vaishali.
4. The Police Sub-Inspector Ramjee Ram, Mahua, P.S. District - Vaishali.
5. The Police Inspector cum S.H.O. Mahua, P.S., District - Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Respondent/s : Mr. Kumar Manish, SC-5

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 10-10-2017

Heard learned counsel for the petitioner and the State.

2. The writ application has been preferred for release of Hiawa Truck bearing registration No.BR06GA-6556 and Scorpio bearing registration No.BR31P-7857. Both were seized in connection with Mahua P.S. Case No.7 of 2017 for alleged violation of the Bihar Excise law. From the Hiawa truck 1149.840 liters of foreign liquor was recovered whereas from the Scorpio 108 liters of foreign liquor was recovered.

3. Submission of the learned counsel for the petitioner is that the power of the executive authority to confiscate is under challenge in **L.P.A. No.1647 of 2015 (Baleshwar Roy V. The State of Bihar & ors.)**. Hence, till adjudication of the aforesaid dispute



both the vehicles be released in favour of the petitioner by way of ad interim custody as no purpose is going to be served by its continued detention in police lockup.

4. A division Bench of this Court while releasing the vehicle in favour of the petitioner in CWJC No.13670 of 2017 **(Subhash Thakur V. The State of Bihar & Ors.)** ordered for release of the vehicle on furnishing bank guarantee equivalent to the value of the vehicle.

5. After hearing the parties and finding substance in the submission, let the aforesaid vehicles be released, by way of interim custody, in favour of the petitioner on execution of the bank guarantee of Rs.10,00000/- (Ten Lacs) for release of the Hiawa truck and Rs.6,00000/- (Six Lacs) for release of the Scorpio to the satisfaction of the Collector, Vaishali at Hajipur.

6. With the aforesaid observation, this writ application stands disposed of. The release shall be subject to the result of the L.P.A. No.1647 of 2015 **(Baleshwar Roy V. The State of Bihar & ors.)**.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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